



MAYOR AND COUNCIL

MEETING NO. 03-18
Monday, February 5, 2018 – 7:00 PM

AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

- 6:00 PM **A. Convene in Open Session to vote on motion to go into Closed Session pursuant to Section 3-305(b)(1)(i) of the General Provisions Article of the Annotated Code of Maryland to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of the City Manager, an employee over whom the Mayor and Council has jurisdiction.**
- B. Closed Session**
- 7:00 PM **1. Reconvene into Open Session**
- 2. Pledge of Allegiance**
- 7:05 PM **3. Agenda Review**
- 7:10 PM **4. City Manager's Report**
- 7:20 PM **5. Proclamation**
 - A. National Black History Month Proclamation**
- 7:25 PM **6. Recognition**
 - A. Recognition of Major Donors and Partners of the City of Rockville's 2017 Holiday Drive**
- 7:45 PM **7. Boards and Commissions Appointments, Reappointments and Announcements of Vacancies**
 - A. Boards and Commissions Appointments, Reappointments and Announcement of Vacancies**
- 8:00 PM **8. Community Forum**

Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda

for every regular Mayor and Council meeting, generally between 7:00 and 7:30 pm. Call the City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance or sign up in the Mayor and Council Chamber the night of the meeting.

- 9. Mayor and Council's Response to Community Forum**
 - 10. Mayor and Council Announcements**
 - 8:20 PM 11. Consent Agenda**
 - A. Extension of Time and Material Contract with AAA Complete Building Service, Inc. T/A Complete Building Services for Time and Material HVAC Services in the Amount of \$600,000 through December 20, 2018.**
 - B. Approval of Minutes**
 - 8:25 PM 12. Public Hearing: Vote By Mail Recommendation for the 2019 City of Rockville Election**
 - 8:55 PM 13. Adoption of Ordinance to Grant Zoning Text Amendment TXT2018-00246, as Amended, Regulation of Alcoholic Beverage Production; Mayor and Council of Rockville, Applicant**
 - 9:05 PM 14. Adoption of an Ordinance to Amend Chapter 17 of the Rockville City Code Entitled "Purchasing" so as to Change the Title to "Procurement," to Generally Amend the Provisions of Chapter 17, and to Implement Some of the Recommendations of the City of Rockville Purchasing Study**
 - 9:15 PM 15. Introduction, and Possible Adoption, of an Ordinance to Amend Ordinance #07-17 to Appropriate Funds and Levy Taxes for Fiscal Year 2018 (Budget Amendment #2)**
 - 9:25 PM 16. Fiscal Year 2018 Second Quarter Vacancy Report**
 - 9:30 PM 17. Boards and Commissions Task Force Discussion**
 - 10:00 PM 18. Recommendations on the Circulator Request for Proposals (RFP) and Discussion and Instructions to Staff**
 - 10:10 PM 19. Authorization to Allow for Expanded Outdoor Dining in the Area Adjacent to Town Square Park**
 - 10:25 PM 20. Review and Comment - Mayor and Council Action Report**
 - A. Mayor and Council Action Report**
 - 21. Review and Comment - Future Agendas**
 - A. Future Agendas**
 - 22. Old/New Business**
-

10:35 PM **23. Adjournment**

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: <http://www.rockvillemd.gov/mcguidelines>.



Mayor & Council Meeting Date: February 5, 2018

Agenda Item Type: Proclamation

Department: CMO - Public Information and Community Engagement

Responsible Staff: Janet Kelly

Subject

National Black History Month Proclamation

Recommendation

Staff recommends that Mayor and Council read and issue the proclamation for National Black History Month.

Discussion

We owe the celebration of Black History Month and, more importantly, the study of black history, to Dr. Carter G. Woodson. Dr. Woodson was the son of two former slaves. As a child, he worked in the Kentucky coal mines and later earned a PhD. from Harvard University. In 1926, Dr. Woodson started Negro History Week as an initiative to bring national attention to the contributions of black people throughout American history. He chose the second week of February, which coincided with the birthdays of Frederick Douglass and Abraham Lincoln, who had great impact on the black American experience.

This celebration has become Black History Month and is celebrated annually in February.

Mayor and Council History

The Mayor and Council recognizes Black History Month annually.

Attachments

Attachment 5.A.a: 2018 Black History Month Proclamation (PDF)

A handwritten signature in black ink, reading "Rob DiSpirito".

Rob DiSpirito, City Manager

1/30/2018



WHEREAS, in 1976, Black History Month was formally adopted to affirm the importance of black history throughout our American experience; and

WHEREAS, because of their determination, hard work, intelligence and perseverance, African Americans have made valuable and lasting contributions to the City of Rockville and to our country, achieving success in all aspects of society including business, education, politics, science, and the arts; and

WHEREAS, during Black History Month, all Americans are encouraged to reflect on past and present successes and challenges of African Americans, as we all look to the future and continue to improve society. We are reminded to embrace the ideals of freedom, equality and justice; and

WHEREAS, we are proud of heroes, pioneers and legends such as Dr. Martin Luther King, Jr., Jesse Owens, Thurgood Marshall, Dr. Mae Jemison and Dr. Charles Drew and many other famous African Americans, and countless others whose achievements have contributed to the American promise, enriching our lives.

NOW, THEREFORE, the Mayor and Council of Rockville do hereby proclaim the month of February 2018 to be **BLACK HISTORY MONTH** in the City of Rockville, and encourage the Rockville community to learn about, share stories, recognize, and appreciate the many contributions made by African Americans throughout this region and to participate in the many educational events honoring the contributions of African Americans.



Bridget Donnell Newton
Bridget Donnell Newton, Mayor

Beryl L. Feinberg
Beryl L. Feinberg, Councilmember

Virginia D. Onley
Virginia D. Onley, Councilmember

John Palakovich Carr
Julie Palakovich Carr, Councilmember

Mark Pierzchala
Mark Pierzchala, Councilmember

February 5, 2018



Mayor & Council Meeting Date: February 5, 2018
 Agenda Item Type: Recognition
 Department: Recreation & Parks
 Responsible Staff: Carlos E. Aparicio

Subject

Recognition of Major Donors and Partners of the City of Rockville's 2017 Holiday Drive

Recommendation

Staff recommends that the Mayor and Council present plaques and awards to the Holiday Drive's Distinguished Donors, and Certificates of Appreciation to Community Partners and Major Donors.

Discussion

Generous contributions from more than 195 individuals, businesses, and community organizations resulted in more than \$70,000 of food, cash, toys and gift cards for the 2017 Rockville Holiday Drive. These contributions, and the hard work of many volunteers, enabled the City to:

- Distribute Thanksgiving food baskets and grocery store gift cards to more than 480 Rockville households;
- Treat over 105 Rockville seniors to a Thanksgiving dinner;
- Provide 279 teens with a gift card to a local retailer;
- Provide 202 seniors and households without children a gift card to a local grocery store;
- Operate the City's annual Toy Shop, providing over 1,800 toys, books, and games to more than 450 children under age 11; and
- Matched 64 Rockville families -a total of 247 individuals- with sponsors who provided gifts tailored to each family's specific needs through the Family Sponsorship Program.

In total, 300 community volunteers donated more than 670 hours during the November and December distributions. These volunteers sorted food and packed meals, wrapped gifts and escorted families during the Toy Shop, and delivered gifts and gift cards to homebound families.

Attachment A provides a list of the Holiday Drive donors and partners who have been invited to the recognition by the Mayor and Council. A list of the donors and partners who plan to attend the recognition will be provided to the Mayor and Council prior to the meeting. Included with the list will be a summary of how their contribution helped Rockville residents during the holidays.

Mayor and Council History

The City has coordinated the Holiday Drive for more than 45 years. It has been the Mayor and Council's custom to recognize the efforts and donations of partners and major donors at a meeting following the holidays.

Attachments

Attachment 6.A.a: Attachment A - Holiday Drive Donors and Partners Receiving Certificates
(PDF)



Rob DiSpirito, City Manager

1/30/2018

2017 Holiday Drive Donors and Partners Receiving Certificates and Plaques

Donors Receiving Certificates

1. 495Movers Inc.
2. Advanced Bioscience Laboratories, Inc.
3. Ms. Alissa Sagri
4. APEX Companies
5. Apex Home Loans, Inc.
6. Armstrong, Donohue, Ceppos, Vaughan & Rhoades Chartered
7. Bakery de France
8. Bassett Furniture
9. Ms. Caryl McNeilly and Mr. Robert Williamson
10. Mr. Christopher Kern and Ms. Pearl Chang
11. Mr. and Mrs. Ciriaco and Norma Gonzales
12. City Clerk's Office/Director of Council Operations
13. City Manager's Office
14. City Attorney's Office
15. Community Planning and Development Services
16. College Gardens Elementary School
17. Creamer Insurance Agency
18. Ms. D.R. Duffield
19. Dataprise
20. Ms. and Mr. Diane and Lee Branthover

ATTACHMENT - A

21. E. Cohen CPAs
22. Ms. Elizabeth Duval
23. Equity Initiatives
24. Ms. Erica Shingara and Mr. Joel Weiman
25. ESAC, Inc.
26. FDA Office of the Executive Secretariat
27. First Church of Christ, Scientist
28. Fisher House Foundation
29. Mr. Howard Tracer
30. Mr. James Magno
31. Ms. Jennifer Martella
32. Kalibri Labs
33. Ms. Kaye Craft
34. Mr. and Mrs. Kenneth and Trina Armstrong
35. Ms. Loren Scherbak and Ms. Carol Hannaford
36. Ms. Melissa Scales
37. Merrill Lynch
38. Ms. Michelle Schwalbe
39. Montgomery County Police Department
40. Mr. Noel Gonzalez
41. Patient First
42. RBC Wealth Management
43. Rockville Presbyterian Church

44. Savantage Solutions
45. Ms. Sharon Collins
46. Spiritual Assembly of the Bahais of Rockville
47. Ms. Susan Reinsch
48. The Bargain Box
49. Mr. and Mrs. Thomas and Carol Moran
50. Mr. Timothy Stranges and Ms. Rosanna Coffey
51. TM Associates Management, Inc.
52. Woodmont Country Club
53. Mayor Bridget Donnell Newton and Mr. Fred Newton
54. Councilmember Beryl L. Feinberg
55. Councilmember Virginia D. Onley
56. Councilmember Julie Palakovich Carr
57. Councilmember Mark Pierzchala

Partners Receiving Certificates

58. CAS & Associates
59. Mr. Chris Kelly
60. Rockville Church of Christ

Distinguished Donors Receiving Plaques

61. Adventist HealthCare
62. Bar-T
63. Mr. Carl Peterson
64. Early Childhood Center

- 65. EMMES Corp.
- 66. Faith United Methodist Church
- 67. Family Healthcare
- 68. Sanberger Inc.
- 69. Schulman, Rogers, Gandal, Pordy & Ecker
- 70. Westat
- 71. White Flint Children's House

Partners Receiving Plaques

- 72. Maryvale Elementary School
- 73. Montrose Baptist Church
- 74. Richard Montgomery High School
- 75. Robert Frost Middle School
- 76. Rockville High School
- 77. St. Mary's Catholic Church
- 78. St. Mary's Catholic School



Mayor & Council Meeting Date: February 5, 2018
 Agenda Item Type: Appointments & Announcement of Vacancies
 Department: City Clerk/Director of Council Operations Office
 Responsible Staff: Kathleen Conway

Subject

Boards and Commissions Appointments, Reappointments and Announcement of Vacancies

Recommendation

Caregiver Funding Task Force

To appoint the following Caregiver Funding Task Force Members:

Melanie Coffin

Theresa Fritz

Brigid Howe

Joel Nantais

Sylvia Pacher

Mark Pascu

Julie Pelletier

Agnes Saenz

Rachel Werner

Board of Appeals

Scott Maravilla: Appointment to serve as a Member until January 1, 2021

Board of Supervisors of Elections

Sabrina Dawson: Appointment to complete an unexpired term and serve as a Member until June 1, 2019

Cultural Arts Commission

Therese Capal: Appointment to serve as a Member until February 1, 2021

Gary Gill: Appointment to serve as a member until November 1, 2020

Environment Commission

Seymour Garte: Reappointment to serve as a Member until December 1, 2020

Monica Saavoss: Reappointment effective March 1, 2018, to serve as a Member until March 1, 2021

Historic District Commission

Robert Achtmeyer: Reappointment to serve as a Member until December 1, 2020

Human Services Advisory Commission

Jennifer Lafferty: Appointment to serve as an At-Large Member until November 1, 2020

Senior Citizens Commission

Jack Martinelli: Appointment to serve as a Member until January 1, 2021

Sign Review Board

Elena Romero: Appointment to serve as an Alternate Member until September 1, 2020

Traffic and Transportation Commission

Marc Plante: Appointment to serve as a Member until December 1, 2020

Boards and Commissions Vacancies as of 2/5/2018

- 1 - Board of Appeals (Alternate)
- 1 - Cultural Arts Commission
- 1 - Planning Commission
- 1 - Recreation and Parks Advisory Board
- 1 - Senior Citizens Commission

2 - Historic District Commission (Member and Alternate)


Kathleen Conway, City Clerk/Director of Council Operations 1/31/2018



Mayor & Council Meeting Date: February 5, 2018

Agenda Item Type: Award

Department: Rec & Parks - Parks & Facilities

Responsible Staff: Steve Mader

Subject

Extension of Time and Material Contract with AAA Complete Building Service, Inc. T/A Complete Building Services for Time and Material HVAC Services in the Amount of \$600,000 through December 20, 2018.

Recommendation

Staff recommends the extension of the contract with AAA Complete Building Service, Inc. T/A Complete Building Services, a rider on Montgomery County Contract #1015880 through December 20, 2018 subject to annual appropriation by the Mayor and Council.

Discussion

The contract will be used for replacement of HVAC equipment at various City buildings, which is allowed under this contract. There are several units Citywide that are scheduled to be replaced through this contract. The units to be replaced have reached the end of their life expectancy and are experiencing increasing repair costs and lack of available parts. Units are scheduled to be replaced at City Hall, Rockcrest Ballet Center, the Senior Center and Public Works Maintenance Complex.

The contract will also be used for the ongoing need of unscheduled maintenance and repairs on the remaining HVAC equipment at all facilities throughout the City.

Mayor and Council History

On January 12, 2015, Mayor and Council awarded this contract through December 20, 2017.

Procurement

This rider contract continues to be in the City's best interest to utilize for these follow-on HVAC special projects and unscheduled maintenance and repairs. This is due to the advantageous pricing the City receives under this contract, as a result of the pricing Montgomery County obtained when it competitively solicited this requirement.

The City will promptly review other options for this requirement, including additional rider contracts and/or a City solicitation, to cover future needs.

In accordance with Section 17-71 of the Rockville City Code, Cooperative Procurement; (b) The City may contract with any contractor who offers goods, services, insurance or construction on the same terms as provided other state or local governments or agencies thereof who have arrived at those terms through a competitive procurement procedure similar to the procedure used by the City.

In accordance with Section 17-39 of the Rockville City Code, Awarding Authority, (a) All contracts involving more than one hundred thousand dollars (\$100,000.00) shall be awarded by the Council.

Fiscal Impact

Unscheduled maintenance and repairs are funded from the following operating accounts: 110-900-8511-0230 (Facilities Maintenance), 110-900-1101-0230 (Civic Center), 110-900-4041-0230 (Senior Center), 110-900-8601-0230 (Swim and Fitness Center), and 210-850-0901-0230 (Water Treatment Plant).

Special project funding is programmed for the following:

- FY 2018 operating account 110-900-8511-0421 for the replacement of the City Hall chiller, three Mayor and Council Chamber units, and two units at Public Works Maintenance Complex (approximately \$200,000).
- FY 2019 operating account 110-900-8511-0421 for the replacement of one unit at the Rockcrest Ballet Center and seven units at the Senior Center (approximately \$200,000).

Funding in future years is subject to Mayor and Council appropriation.

Next Steps

Purchasing will issue a contract to AAA Complete Building Service, Inc. T/A Complete Building Services.



Rob DiSpirito, City Manager

1/30/2018



Mayor & Council Meeting Date: February 5, 2018
Agenda Item Type: Consent
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Kathleen Conway

Subject

Approval of Minutes

Recommendation

To approve the following Mayor and Council Minutes:

December 11, 2017 (Open Session Minutes)

December 5, 2017 (Stonestreet Corridor Neighborhood Meeting)

September 11, 2017 (Open Session Minutes)

May 15, 2017 (Closed Session Confidential Minutes prior to Open Session Meeting)

May 15, 2017 (Closed Session Summary and Closed Session Confidential Minutes after Open Session Meeting)


Kathleen Conway, City Clerk/Director of Council Operations 1/28/2018



Mayor & Council Meeting Date: February 5, 2018
 Agenda Item Type: Public Hearing
 Department: City Clerk/Director of Council Operations Office
 Responsible Staff: Kathleen Conway

Subject

Public Hearing: Vote By Mail Recommendation for the 2019 City of Rockville Election

Recommendation

Staff recommends that the Mayor and Council conduct the Public Hearing.

Discussion

The Mayor and Council requested a Public Hearing to hear from the Community about the Rockville Board of Supervisors of Elections (BSE) Vote By Mail Recommendation. The BSE's rationale is "to get the ballot to the voter instead of the voter to the ballot." When voting by mail, registered voters would receive a ballot by mail, mark the ballot, place it into a mailing envelope, sign an affidavit on the exterior of the envelope, which has a trackable bar code, and return the package by mail, at a drop box or in person. The BSE recommendation includes establishing a Vote Center on Election Day for voters who choose to vote in person or drop off their ballot. If Vote By Mail is approved for the 2019 Rockville City Election, the BSE recommends that the City launch a strategic communications campaign to help voters understand the new process.

Rockville's BSE recommends the new voting process to increase voter turnout by removing obstacles to voting, to add convenience to voting, and to increase the options for voters to become involved in voting. Rockville's voter turnout has declined regardless of the number of candidates or ballot questions, from 16.94 percent of registered voters in 2011 to 16.51 percent in 2013 and 15.87 percent in 2015 when the City held its first election for four-year terms. The next City Election is in 2019.

The Public Hearing will occur on February 5, 2018. Speakers may sign up to speak by emailing cityclerk@rockvillemd.gov, by calling 240.314.8280 or by signing up at the start of the February 5, 2018 Meeting. The Community may also submit written comments via email to cityclerk@rockvillemd.gov.

An article discussing Vote By Mail was included in the January 26, 2018 Washington Post Outlook Section: https://www.washingtonpost.com/outlook/letting-people-vote-at-home-increases-voter-turnout-heres-proof/2018/01/26/d637b9d2-017a-11e8-bb03-722769454f82_story.html?utm_term=.572c270e0b42.

Mayor and Council History

November 6, 2017: Presentation by the Rockville Board of Supervisors of Elections to the Mayor and Council regarding the BSE recommendation to implement Vote By Mail for the 2019 City of Rockville Election.

January 22, 2018: Discussion and follow-up to the November 6, 2017 by the BSE with the Mayor and Council. (This discussion was originally scheduled for January 8, 2018; however, the Meeting was cancelled due to inclement weather.)

Public Notification and Engagement

In addition to advertising in the Washington Post, the Community has been notified of this Public Hearing through Rockville Channel 11 (Bulletin Board and Video), outreach to Boards and Commission members and Neighborhood groups, Social Media, Press Release and YouTube (<https://youtu.be/CiyXT5VtdSo>).

Next Steps

Future Mayor and Council Agendas currently include two Vote By Mail discussions after the February 5, 2018 Public Hearing with the Rockville BSE:

February 26, 2018 Mayor and Council Meeting: discussion and instructions

April 9, 2018 Mayor and Council Meeting: discussion, instructions and possible adoption


Kathleen Conway, City Clerk/Director of Council Operations 1/30/2018



Mayor & Council Meeting Date: February 5, 2018

Agenda Item Type: Adoption

Department: CPDS - Zoning Review & Other

Responsible Staff: Deane Mellander

Subject

Adoption of Ordinance to Grant Zoning Text Amendment TXT2018-00246, as Amended, Regulation of Alcoholic Beverage Production; Mayor and Council of Rockville, Applicant

Recommendation

Vote to revise the introduced ordinance to include the new MXCT (Mixed Use Corridor Transition) Zone, and proceed to adopt the revised ordinance.

Change in Law or Policy (remove this section if not needed)

The proposed ordinance (Attachment A) will clarify the categories of alcoholic beverage production (full and limited), and will amend the land use tables in Articles 12 and 13 of Chapter 25, "Zoning" of the Rockville City Code to add new uses, and to denote in which zones these uses may be allowed. The text amendment will also establish a parking standard for alcoholic beverage production use.

Discussion

The initial public hearing on the subject Zoning Text Amendment was held on September 11, 2017, at which one speaker offered testimony. The public hearing was continued to October 16, at which one additional speaker provided testimony.

The definitions cover any alcoholic beverage production – whiskey, vodka, wine, beer, etc. Reference is made to the tasting and promotional operations of these uses as set forth in the State regulations.

Alcoholic beverage production, as defined, would be permitted in the I-H (Heavy Industrial) Zone (currently unmapped in the city), as is now permitted, and as a conditional use in the I-L (Light Industrial) and MXE (Mixed-use Employment) Zones. The condition for production facilities in the I-L Zone is that the use must not adjoin a residential use in a residential zone, while the condition for the MXE Zone is that the use must be at least 500 feet from any residential use in a residential zone. As defined, alcoholic beverage production will include all State production classes except Class 8 – Farm Brewery, since the City has no qualifying farms.

As proposed, limited alcoholic beverage production would be defined as meeting the following state production classes: Class 4: Limited Winery, Class 6 – Pub Brewery, and Class 7 – Micro-Brewery. Limited production would be permitted in the I-L, I-H, MXB (Mixed-Use Business) and MXTD (Mixed-Use Transit District) Zones, and permitted as a conditional use in the MXE and MXCD (Mixed-Use Corridor District) Zones. The condition in the MXE and MXCD zones is that the use must be at least 250 feet from a lot containing a public or private school.

At the Discussion and Instructions session on November 13, there was specific mention of consideration to allow full production in the Mixed-Use Business (MXB) Zone. As authorized, the proposed text amendment would permit limited alcoholic beverage production in the MXB Zone. The intent of the zone is as follows (Sec. 25.13.02):

Intended for areas that are either currently developed or recommended for development primarily for retail sales, neighborhood services, home improvement services, and compatible residential development in areas convenient to both higher-density commercial zones and single-unit detached residential uses. This zone allows for a range of densities as determined by the applicable master plan and permits retail, service, office, and residential uses.

As a result of a meeting with County personnel, the text amendment was revised to include the Class 9 - Limited Distillery as a limited production use. In the land use tables, the designation in the MXB Zone for limited alcoholic beverage production is changed from P (Permitted) to C (Conditional). This will mean that limited production in the MXB Zone will be subject to the limitation on proximity to a school, and restricts the use where it adjoins or confronts single-unit residential dwellings. This condition already applies in the MXB Zone for Service Industrial uses, and is also now recommended for full production in the I-L Zone.

The adoption of the Rockville Pike Plan text amendment TXT2018-00247 on January 22, 2018 created a new zone, the MXCT (Mixed-Use Corridor Transition) Zone. This new zone now needs to be included in the land use tables for the Mixed-Use zones that are a part of this text amendment TXT2018-00246. The ordinance introduced at the January 22nd meeting has therefore been revised to include the new zone. Consistent with the MXCD, MXE, and MXB zones, full alcoholic beverage production would not be permitted in the MXCT zone, and limited production would be a conditional use, consistent with those same mixed-use zones. The new language is identified by double underlining in Attachment A. As included in the adoption of TXT2018-00247, light industrial and service industrial uses are not permitted in the MXCT Zone.

The staff finds that the regulations proposed in the text amendment application, as revised, are generally consistent with the County's regulations for alcohol production. To enact this revised ordinance, the Mayor and Council will need to vote to approve the revisions to the introduced ordinance, then proceed to a vote to adopt the revised ordinance (Attachment A).

Mayor and Council History

The Mayor and Council initially discussed the subject of alcoholic beverage production at its meeting on April 24. Direction was given to the staff to prepare a draft text amendment application for consideration. At the meeting on July 10, 2017, the Mayor and Council authorized the filing of the text amendment application with minor modifications. The Mayor and Council opened the public hearing on September 11, 2017. At the close of the public testimony, the Mayor and Council directed staff to schedule an additional hearing for October 16, 2017 and to provide additional information on where these uses could be located within the city. The additional hearing was held and there was one speaker in support of the text amendment application.

The initial Discussion and Instructions session was held on November 13, 2017. The Mayor and Council reviewed proposed revisions to the text allowing a Class 9 distillery to be considered a limited production use at its meeting on January 22, 2018. The revised ordinance was introduced at that time.

Public Notification and Engagement

Notice of the filing of the text amendment application, which included the dates for the Planning Commission meeting and the Mayor and Council public hearing, was sent to all neighborhood civic and homeowners associations via the neighborhood listserv. Notice of the first hearing date was published in a newspaper of general circulation for two weeks prior to the hearing date. An additional notice of the second hearing was sent to the listserv, and additional background information posted on the City web site.

Boards and Commissions Review

The Planning Commission considered this matter at its meeting on August 9, 2017. Several commissioners expressed concerns about potential neighborhood impacts from locating alcoholic beverage production in proximity to residential areas. The Commission was unable to reach an agreed-upon recommendation, and instead directed the staff to transmit their comments and concerns to the Mayor and Council.

Attachments

Attachment 13.a: final draft ordinance revised MXCT 2-5-18 (PDF)



Rob DiSpirito, City Manager

1/29/2018

Ordinance No. ____

ORDINANCE:

To grant Text Amendment Application No. TXT2018-00246, as amended, Mayor and Council of Rockville, Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, filed Text Amendment Application TXT2018-00246 for the purpose of amending Chapter 25 of the Rockville City Code, “Zoning,” so as to revise Chapter 25 for the purpose of adding provisions for the regulation of the production of alcoholic beverages; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meeting of August 9, 2017, and provided comments and recommendations to the Mayor and Council; and

WHEREAS, pursuant to the Land Use Article of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said application would be held by the Mayor and Council in the Council Chambers at Rockville City Hall on September 11, 2017, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on September 11, 2017, said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, the Mayor and Council directed the staff to schedule an additional public hearing for October 16, 2017, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on October 16, 2017, said application came on for the additional hearing as requested by the Mayor and Council at the September 11, 2017 hearing; and

WHEREAS, zoning text amendment TXT2018-00247, adopted by the Mayor and Council on January 22, 2018 created the MXCT Zone, which has been inserted into this ordinance within the land use tables for Section 25.13.03; and

WHEREAS, the Mayor and Council, having considered the text amendment application and the entire file pertaining thereto, said Mayor and Council have decided that the granting of this application, in the form set forth below, would promote the health, safety and welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
ROCKVILLE, MARYLAND, as follows:

Amend Article 3, “Definitions; Terms of Measurements and Calculations”, as follows:

* * *

Alcoholic beverage production: The production of any alcoholic beverage or neutral spirits by means of distilling, fermenting, brewing, or rectifying under the following Maryland State production classifications: Classes 1, 2, 3, 4, 5, 6, 7, and 9. Tastings or samplings of products are permitted in accordance with State law.

Alcoholic beverage production, limited: The production of any alcoholic beverage or neutral spirits by means of distilling, fermenting, brewing, or rectifying under the following Maryland State production classifications: Classes 4, 6, and 7, and 9. Tastings or samplings of products are permitted in accordance with State law.

Amend Article 12, “Industrial Zones”, as follows:

25.12.03 – Land Use Tables

* * *

Ordinance No. _____

-3-

	Uses	Zones		Conditional requirements or related regulations
		Light Industrial I-L	Heavy Industrial I-H	
* * *				
g. Industrial and service uses	<u>Alcoholic beverage production</u>	<u>C</u>	<u>P</u>	<u>Conditional use must not adjoin or confront a residential use in a residential zone.</u>
	<u>Alcoholic beverage production, limited</u>	<u>C</u>	<u>P</u>	<u>Conditional use must not adjoin or confront a residential use in a residential zone.</u>
	Heavy industrial use	N	P	
	Light industrial use	P	P	
	* * *			

Amend Article 13, "Mixed-Use Zones", as follows:

* * *

25.13.03 – Land Use Tables

* * *

	Uses	Zones								Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
		* * *								
j. Industrial and service uses	<u>Alcoholic beverage production</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Conditional use must not be located within 500 feet of a residential use in a residential zone.</u>
	<u>Alcoholic beverage production, limited</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Conditional use must be at least 250' from a lot with a public or private school providing pre-school and/or K-12 education. In addition, in the MXB Zone a conditional use must not adjoin or confront single-unit dwellings</u>

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	Uses	Zones								Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	<u>Mixed-Use Corridor Transition (MXCT)</u>	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
		* * *								
	Light industrial use	N	N	P	N	<u>N</u>	N	N	N	
	Service industrial use	N	N	P	C	<u>N</u>	N	N	N	Conditional use must not adjoin or confront single-unit dwellings
		* * *								

Amend Article 16, “Parking and Loading”, as follows:

* * *

25.16.03 – Number of Spaces Required

* * *

		Auto Parking Spaces		Bicycle Parking Spaces			
Use Category	Use	Unit Measure	Base Number Required	Unit Measure	Short Term Space	Long Term Space	Additional Requirements
* * *							
Industrial and service	<u>Alcoholic beverage production, including limited production</u>	<u>Per each 1,000 GFA</u>	<u>1</u> <u>and</u>	<u>Square feet of gross floor area</u>	<u>1</u>	<u>2 per 15,000 SF</u>	<u>Plus additional spaces as may be required by the Approving Authority depending on the character of the use. See also Sec. 25.16.03.j.2.</u>
		<u>Per each vehicle used with the business</u>	1				
		* * *					

* * *

j. *Provisions for Off-Site Parking*

1. The parking requirements set forth in Section 25.16.03 may be met with the execution of a formal agreement in a form satisfactory to the Chief of ~~Planning~~ Zoning and the City Attorney to use off-site parking spaces for some or all of the required parking.
2. In the case of parking in connection with alcoholic beverage production, the Approving Authority may consider the availability of on-street parking to serve patrons for periodic tours or tasting events.

NOTE: ~~Strikethroughs~~ indicate material deleted
Underlining indicates material added
Double underlining indicated material added following introduction of the ordinance
Asterisks * * * indicate material unchanged by this ordinance

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of February 5, 2018.

Kathleen Conway, City Clerk /Director of Council Operations



Mayor & Council Meeting Date: February 5, 2018

Agenda Item Type: Adoption

Department: CMO - Procurement

Responsible Staff: Jessica Blow

Subject

Adoption of an Ordinance to Amend Chapter 17 of the Rockville City Code Entitled "Purchasing" so as to Change the Title to "Procurement," to Generally Amend the Provisions of Chapter 17, and to Implement Some of the Recommendations of the City of Rockville Purchasing Study

Recommendation

Staff recommends that the Mayor and Council vote to revise the ordinance introduced on March 27, 2017, and adopt the revised ordinance.

Change in Law or Policy

Changes to the Chapter 17 Purchasing provisions.

Discussion

The purpose of the purchasing code is to provide guidelines for 1) the purchase of City supplies, services, equipment; and 2) bidding the construction of public projects, including obtaining the most qualified vendors in a fair and impartial manner at a reasonable price. The Code also establishes financial controls over purchases, and sets recommended purchasing approval authority limits for the Mayor and Council, City Manager, and the Purchasing Agent.

In July 2015, a consultant was selected via Request for Proposals (RFP) to perform an assessment of the City's procurement process. The purpose of the assessment was to evaluate processes, procedures, organization, staffing, metrics, compliance, systems, and performance. As a result of this assessment, in October 2015, twenty-nine (29) recommendations were made that would assist in the overall improvement and efficiencies of the division. Staff provided a response to the recommendations in the Procurement Action Plan that was presented to the Mayor and Council on February 1, 2016.

The proposed changes to Chapter 17 reflect best practices and the Consultant's and staff's recommendations, as well as additional amendments requested by the Mayor and Council.

Mayor and Council History

The Mayor and Council introduced the proposed ordinance to amend Chapter 17 on March 27, 2017. A public hearing was held on July 10, 2017. The public record closed on August 1, 2017, with no public input received. Discussion and Instructions was held on November 6, 2017. During this time, staff and the Mayor and Council discussed additional recommendations that were provided by Councilmember Pierzchala and Councilmember Feinberg. As a result of the discussions, staff was instructed to include the following additional amendments to the ordinance:

1. Delete "When applicable," from Section 17-87(b)
2. Add the language "and include a justification for the ratification" to the last sentence in Section 17-42
3. Change the term "purchasing" to "procurement" where appropriate in the ordinance
4. Add a subsection to both Section 17-61 and Section 17-62 requiring a "notice of intent to award" prior to bringing the award of the contract
5. Remove from the list of exemptions in Section 17-87(a) the following: the purchase of telephone services; purchases from nonprofit sheltered workshops serving the handicapped; and procurement of temporary employment services
6. Add a subsection to Sections 17-82, 17-84, and 17-87(b) that would require the City Manager to provide the Mayor and Council an annual list of all waivers, sole source procurements, and emergency procurements approved by the City Manager

Public Notification and Engagement

Notice of the July 10, 2017 public hearing was mailed and emailed to the City's active vendors, various Chambers of Commerce, and Minority, Female, Disabled (MFD) partner organizations on June 1, 2017. The notice was also advertised in the Washington Post on June 21 and June 28, 2017. An electronic notice was published on www.rockvillereports.com on June 27, 2017 and in the print edition of Rockville Reports that was mailed to residents the week of June 26 and the week of July 3, 2017.

Next Steps

Upon adoption of the ordinance by the Mayor and Council, staff will begin a complete revision of the City Procurement Guide.

Attachments

Attachment 14.a: Ordinance amending Chapter 17, Purchasing (DOCX)

A handwritten signature in dark ink, appearing to read "Rob DiSpirito", written over a horizontal line.

Rob DiSpirito, City Manager

1/31/2018

Ordinance No. _____ ORDINANCE: To Amend Chapter 17 of the Rockville City Code entitled "Purchasing" so as to change the title to "Procurement," to generally amend the provisions of Chapter 17, and to implement some of the recommendations of the City of Rockville Purchasing Study

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Chapter 17 of the Rockville City Code entitled "Purchasing" be amended so as to change the title to "Procurement," to generally amend the provisions of Chapter 17, and to implement some of the recommendations of the City of Rockville Purchasing Study to read as follows:

Chapter 17 - PROCUREMENTPURCHASING

ARTICLE I. - GENERAL PROVISIONS

DIVISION 1. - PURPOSES, CONSTRUCTION AND APPLICATION

Sec. 17-1. - Purposes.

The purposes of this chapter are to provide for an efficient, cost-effective and equitable system of public ~~[[purchasing]]~~ procurement by the City; to obtain the maximum purchasing value of public funds in procurement; to provide for a procurement system of quality and integrity; to provide for selling surplus goods in a manner which is efficient and equitable, and yields the highest sales price; and to permit the continued development of procurement policies and practices.

Sec. 17-2. - Interpretation; singular-plural/gender references.

- (a) This chapter shall be construed and applied to promote the stated purposes.
- (b) Unless the context requires otherwise:
 - (1) Words in the singular number include the plural, and those in the plural include the singular; and
 - (2) Words of a particular gender include any gender and the neuter, and when the sense so indicates, words of the neuter gender may refer to any gender.

Sec. 17-3. - Scope.

- (a) Except as otherwise provided, this chapter applies to every disposition for value or expenditure of public funds by the City for public ~~[[purchasing]]~~ procurement irrespective of its source.
- (b) When the procurement or disposition involves Federal assistance or contract funds or is subject to Federal regulations, the procurement or disposition shall be conducted in accordance with any applicable mandatory Federal law or regulation which is not reflected in this chapter.
- (c) Nothing in this chapter shall be construed as prohibiting or limiting the council's right to make appointments under the City's Charter or to authorize any procurement it deems to be in the best interest of the City, or the City's right to employ its own personnel for the construction or reconstruction of public improvements or for any other purpose without competitive solicitation.

Sec. 17-4. - Severability.

If any provision of this chapter or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

DIVISION 2. - DEFINITIONS

Sec. 17-16. - Definitions.

The terms defined in this section shall have the meanings set forth below whenever they appear in this chapter unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular provision.

Awarding authority means the person or entity within the City authorized to award a contract.

Bid means an offer, in writing, to furnish goods, services, insurance or construction in conformity with the specifications, delivery terms and conditions or other requirements included in the invitation for bids or an offer to purchase property pursuant to Division 2 of Article III of this chapter.

Brand name specification means a specification by manufacturers' names or catalogue numbers.

Brand name or equal specification means a brand name specification to describe the standard of quality, performance, and other characteristics needed to meet City requirements, and which provides for the submission of equivalent products.

Business means any corporation, partnership, firm, individual, sole proprietorship, joint venture, association, or any other private legal entity through which business is conducted.

Change order means a written order signed and issued by the purchasing agent directing the contractor to make changes which the contract authorizes the City to order without the consent of the contractor.

City means the Mayor and Council of Rockville, otherwise known as the City of Rockville.

City Manager means the City Manager of Rockville or the City Manager's designee.

Competitive sealed bid means a method of procurement in which a supply, service, insurance, or construction item is defined in a list of specifications; the specifications are included in an Invitation for Bids; the bids are received by a specified time in sealed envelopes; an award is made to the lowest responsible bidder meeting all specifications, and cost is objectively measurable as defined in the specifications.

Competitive sealed proposal means a method of procurement in which a supply, service, insurance, or construction item is defined in a list of specifications; the specifications are included in a Request for Proposals (RFP); proposals are received by a specified time in sealed envelopes; and an award is made to the proposer most closely meeting specifications as determined by an evaluation that uses a predetermined and published set of evaluation criteria. Cost is one (1) criterion among others, all of which may be assigned specific weights.

Confidential information means any information which is available to an employee only because of the employee's status as an employee of this City and is not a matter of public knowledge or available to the public on request.

Construction means the erection, alteration, repair, improvement, or demolition of any public structure or building, or other public improvements of any kind, including any draining, dredging, excavation, grading or similar work upon real property. "Construction" does not include the routine operation, routine repair or routine maintenance of existing public facilities.

Contract means any City agreement, regardless of form or title, whether formal or informal, for the procurement or disposition of goods, services, insurance, or construction.

Contract file means a file maintained by the purchasing agent containing all determinations and other written records pertaining to any solicitation, award, or performance of a contract.

Contract modification means any written alteration in specifications, delivery, period of performance, price, quantity, or other provision of an existing contract whether accomplished by unilateral action in accordance with a contract provision or by mutual action of the parties to the contract.

Contractor means any person having a contract with the City.

Council means the Mayor and Councilmembers of Rockville which is the legislative body of the City.

Electronic means the electrical, digital, magnetic, optical, electromagnetic, or any other similar technology.

Environmentally preferable ~~[[purchasing]]~~ procurement means the procurement or acquisition of goods and services that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose, based on the raw materials, manufacturing, packaging, distribution, use, reuse, operation, maintenance, and disposal of the goods or services.

Formal contract means a written contract for procurements exceeding thirty thousand dollars (\$30,000.00) and signed by the City Manager and the contractor.

Formal Solicitation requires a bid/proposal be submitted in sealed envelope and in conformance with a prescribed format to be opened in public at a specified date and time.

Goods means supplies, materials, equipment, and all tangible property, except real property.

Informal solicitation means a competitive bid, price quotation, or proposal for goods or services that is conveyed by letter, fax, e-mail, or other manner that does not require a formal sealed bid or proposal.

Informality means a minor defect or variation of a bid or proposal from the exact requirements of the Invitation to Bid, or the Request for Proposal, which does not materially affect the price, quality, quantity or delivery schedule for the goods, services, insurance, or construction being procured.

Informal contract means a contract for procurement not exceeding thirty thousand dollars (\$30,000.00).

Kickbacks means any money, fee, commission, credit, gift, or compensation of any kind which is provided directly or indirectly to a prime contractor, a prime contractor employee, a subcontractor, a subcontractor employee, a public employee, or other person for the purpose of obtaining or rewarding favorable treatment in the award of a prime contract or a subcontract in connection with a contract awarded by the City.

Life-Cycle Cost means the comprehensive accounting of the total cost of a product including procurement, initial cost, energy and operational cost, maintenance, longevity of service and disposal.

Local business means a business enterprise, including but not limited to a sole proprietorship, partnership, corporation, or limited liability company which (i) has a physical business address located within the corporate limits of the City from which the vendor operates or performs business on a day-to-day basis; and (ii) for the most recent tax year, has paid any real property or personal property tax due to the City. Post office boxes, or their equivalent, shall not be used for the purpose of establishing a physical address within the City.

Person means an individual, association, firm, partnership, corporation, government agency, or other entity, but does not include the City government.

Procurement means buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, insurance, or construction. It also includes all functions that pertain to the obtaining of any supply, service, insurance, or construction, including the description

of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Professional services means services performed by a person whose specialized knowledge and academic preparation have led the person to be a recognized professional within their vocation. These services include, but are not limited to, the practice of accounting, architecture, land surveying, landscape architecture, dentistry, medicine, optometry, pharmacy, actuarial services, professional engineering, property appraisals, consulting, and such other services that are customarily negotiated because the individuality of those services do not lend themselves to a fixed price bid.

Proposal means an offer to supply goods or insurance or perform services, or to purchase goods to be disposed, in response to a request for proposals by the City where competitive sealed proposals or negotiations will be used rather than the competitive bid process.

Public entity means any Federal, State or local government, agency, committee, commission, board, institution, or political subdivision created by Federal, State or local law to exercise some sovereign power or to perform some governmental duty.

Public notice means notice of a procurement solicitation given in a manner reasonably calculated to provide notice to persons interested in the solicitation. At a minimum, such notice shall include posting notice of all pending procurements on a City website maintained for that purpose. Such notice may, but need not necessarily, include publication in a newspaper of general circulation, electronic mailing lists, and web sites maintained for that purpose.

Purchase order means a type of contract issued by the City not requiring countersignature by the contractor.

Purchasing agent means the person designated as purchasing agent pursuant to section 17-21 of this chapter. The term shall also include any person designated pursuant to section 17-24 of this chapter by the purchasing agent to perform one or more functions of the purchasing agent.

Request for Proposals (RFP) means all documents, whether attached or incorporated by reference, used for soliciting proposals.

Requirements contract means a contract whereby the City agrees to purchase and the contractor agrees to sell all the goods of a designated type which the City may require, without specifying in the contract an exact quantity.

Responsible bidder or offeror means a person that has the capability, in all respects, to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment and credit which will assure good faith performance.

Responsive bidder means a bidder that has submitted a bid which conforms in all material respects to the Invitation for Bids.

Services means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the

required performance. This term shall not include employment agreements or collective bargaining agreements.

Specification means any description of the physical or functional characteristics, or of the nature, of a supply, service, insurance or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, insurance, or construction item for delivery.

Split [[Purchasing]] Procurement means when a recognized need for a certain volume of goods, services, insurance, or construction is purposefully split into smaller increments in order to evade any requirement of this chapter.

Surplus goods means all goods which have been determined by the purchasing agent to have become surplus, obsolete or unusable.

Tie bids are responsive bids from responsible bidders that are identical in price, terms and conditions and which meet all the requirements and evaluation criteria set forth in the invitation for bids.

Using department means any City department, office, or agency that utilizes any goods, services, insurance, or construction procured under this chapter.

Written or In Writing includes information that is electronically transmitted and/or stored.

DIVISION 3. - PURCHASING AGENT

Sec. 17-21. - Establishment and appointment.

The [[purchasing]] procurement system shall operate under the direction and supervision of a purchasing agent within the City Manager's Department. The City Manager may exercise some or all of the duties of the purchasing agent.

Sec. 17-22. - Authority and duties of the purchasing agent.

Except as otherwise provided in this chapter, the purchasing agent shall have the authority and responsibility to:

- (1) Procure or supervise the procurement of all goods, services, insurance, and construction needed by the City;
- (2) Sell, trade or otherwise dispose of surplus goods belonging to the City;
- (3) Exercise general supervision and control over all inventories of supplies belonging to the City;
- (4) Develop procedures, standards, and policies, and forms, including but not limited to a Purchasing Manual Procurement Guide, as may be necessary for the effective implementation of this chapter;
- (5) Conduct pre-bid or pre-proposal conferences where appropriate;
- (6) Make written recommendations for the award of formal contracts;

- (7) Keep informed of current developments in the field of [[purchasing]] procurement, prices, market conditions, and new products;
- (8) Assure that sufficient money has been appropriated to cover the cost of all purchases or contracts;
- (9) Establish and maintain programs for the inspection, testing, and acceptance of goods, services, insurance, and construction;
- (10) Maintain contract files associated with procurements;
- (11) Change specifications and terminate solicitations;
- (12) Make determinations of bidder and offeror responsibility;
- (13) Require bonds, insurance, and other forms of protection for the City in connection with the procurement process;
- (14) Ensure compliance with this chapter by reviewing and monitoring procurements conducted by any designee, department, or employee delegated authority under section 17-24;
- (15) Make all written determinations required by this chapter, except as may otherwise be provided by this chapter; and
- (16) Perform other functions and duties as required by this chapter or as may be assigned.

Sec. 17-23. - City procurement records.

All determinations and other written records pertaining to any formal solicitation, informal solicitation, award, or performance of a contract shall be maintained for the City in a contract file. All records shall be maintained for such time as required by State law or regulation but in no event less than three (3) years or according to retention schedules approved by the State.

Sec. 17-24. - Delegation of authority by purchasing agent.

The purchasing agent may establish procedures and standards for delegating authority to purchase certain supplies, services, insurance, or construction items, and to make determinations required by this chapter to other City employees or public entities, if such delegation is deemed appropriate for the effective procurement of those items.

Sec. 17-25. – Certification of Funds

Every contract, contract modification, change order, or adjustment in contract price is subject to prior written approval (except for emergency procurements) by the responsible department head and certification by the division of budget as to the availability of funds and the effect of the modification, change, or adjustment on a project budget or the total cost for goods, services, or construction. The purchasing agent may not proceed with contract modification, change, or adjustment until sufficient funds are

available, or the scope of the project is adjusted to permit its completion within the project budget.

ARTICLE II. - CONTRACT FORMATION

Sec. 17-36. - Types of contracts.

Subject to the requirements of this article, any type of contract that is appropriate to the procurement and that will promote the best interests of the City may be used.

Sec. 17-37. - Written contracts required.

- (a) All contracts involving more than three thousand dollars (\$3,000.00) shall be in writing.
- (b) For the routine purchase of goods, services, insurance, and construction, a purchase order issued by the purchasing agent shall satisfy the requirement for a written contract.

Sec. 17-38. - Formal contracts.

Except for the purchase of goods and equipment, formal written contracts signed by the City Manager and the contractor shall be required for procurements exceeding thirty thousand dollars (\$30,000.00), including requirements contracts estimated to exceed thirty thousand dollars (\$30,000.00) in any given fiscal year.

Sec. 17-39. - Awarding authority.

- (a) All contracts involving more than one hundred thousand dollars (\$100,000.00) shall be awarded by the Council, except as may be specifically provided in this chapter.
- (b) Except for those contracts awarded by the Council and when emergency procurements are necessary, all formal two-party contracts shall be awarded by the City Manager.
- (c) All other contracts shall be awarded by, or under the supervision of, the purchasing agent, subject to review by the City Manager.

Sec. 17-40. - Contract modifications; change orders; price adjustments.

(a) The following contract changes (including contract modifications, change orders, and price adjustment) must be approved by the Council:

- (1) Changes to any contract not originally awarded by the Council when the cumulative value of the original contract and all changes to the contract exceed one hundred thousand dollars (\$100,000.00);
- (2) Changes to any contract originally awarded, or any contract previously modified, by the Council when the cumulative value of all changes exceed both

- a. One hundred thousand dollars (\$100,000.00), and
- b. Ten percent (10%) of the original contract.

(b) Changes to any contract, including contract modifications, change orders, and price adjustments must be approved in accordance with the original contract, in writing, by the City Manager or designee, when the cumulative value of the original contract and all changes to the contract exceed thirty thousand dollars (\$30,000.00)

Sec. 17-41. - Multi-term contracts.

A contract for goods, insurance, or services may be entered into for any period of time deemed to be in the best interest of the City provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled with no penalty to the City.

Sec. 17-42. - ~~Voidable contracts~~ Unauthorized Purchases-Voidable Contracts.

If any employee or official of the City purchases or contracts for supplies, services, insurance, or construction in a manner contrary to the provisions of this chapter such purchase or contract is voidable by the City. However, when, in the opinion of the City Manager, the contracting violation occurred through no fault of the contractor, the contractor may be reimbursed on a quantum meruit basis for goods, services, or insurance furnished or work performed in good faith, in such amount as may be determined by the City Manager. The City Manager may ratify unauthorized purchases. All ratifications for unauthorized purchases shall be in writing and include a justification for the ratification.

ARTICLE III. - SOURCE SELECTION

DIVISION 1. - GENERAL

Sec. 17-51. - In general.

Notwithstanding any provision of this chapter, the Council may approve any method of procurement that it deems to be in the best interest of the City.

DIVISION 2. - COMPETITIVE PROCUREMENT

Sec. 17-61. - Formal solicitation—Competitive sealed bidding (Invitation for Bids-IFB).

- (a) Conditions for use. Formal contracts shall be awarded by competitive sealed bidding, except as otherwise provided in this chapter.

- (b) Invitation for bids. An Invitation for Bids shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement.
- (c) Public notice. Public notice of the Invitation for Bids shall be given at least fifteen (15) days prior to the date set forth therein for the opening of bids, unless the purchasing agent determines, in writing, that circumstances require a shorter notice period.
- (d) Bid opening. Bids shall be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the Invitation for Bids. The amount of each bid, and such other relevant information as is deemed appropriate together with the name of each bidder shall be recorded. The record and each bid shall be open to public inspection. A tabulation of all bids received shall be made available to the public after the bid opening.
- (e) Late bids. Late bids will not be accepted.
- (f) Bid acceptance and evaluation. Except as authorized in this article, bids shall be accepted without alteration or correction. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. The Invitation for Bids shall set forth the evaluation criteria to be used. No criteria may be used in a bid evaluation that are not set forth in the Invitation for Bids.
- (g) Waiver of minor informality or immaterial bid defect. The purchasing agent may waive a minor informality or immaterial bid defect if such waiver is determined to be in the best interest of the City. A minor informality means a bid requirement that is merely a matter of form or is an immaterial provision in the solicitation. A bid defect is immaterial when the significance of the defect is negligible when contrasted with the total cost or scope of the procurement. The decision of the purchasing agent with respect to whether a requirement is a minor informality or whether a bid defect is immaterial is final and may not be challenged by a bidder.
- (h) Correction or withdrawal of bids; cancellation of awards.
 - (1) Where a mistake is discovered before bid opening, the bid may be modified or withdrawn by written, telegraphic, or electronic notice received by the purchasing agent prior to the time set for bid opening.
 - (2) Where a mistake is discovered after bid opening but prior to contract award, a bid:
 - a. May be corrected where the error made and the intended bid price can be determined solely from the bid documents submitted, and the purchasing agent determines that the mistake was inadvertent and bona fide;
 - b. May be withdrawn where the bid was submitted in good faith and the bid price is substantially lower than the other bids due solely to a clerical mistake therein as opposed to a judgment mistake and the mistake was due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid, which unintentional arithmetic error or unintentional omission can be clearly shown

by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid.

- (3) Where an error is discovered in the successful bid after the award of the contract and the conditions of subsection (h)(2)a. or (h)(2)b. of this section are satisfied, the bid may be corrected or withdrawn, respectively, and the contract amended or rescinded as appropriate, provided that no bid correction or contract amendment shall be permitted that would cause the contract price to exceed the next lowest bid.
- (4) No bid may be withdrawn or award canceled when the result would be prejudicial to the interests of the City or fair competition.
- (5) No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or business to whom the contract is awarded, or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.
- (6) If a bid is withdrawn or award canceled under the authority of this section, the lowest remaining bid shall be deemed to be the low bid.
- (7) Nothing herein shall prevent the City from rejecting all bids if deemed to be in the interest of the City or fair competition.
- (8) All decisions to permit the correction or withdrawal of bids or cancellation of an award based upon bid mistakes, shall be supported by a written determination made by purchasing agent.
- (i) Contract award. Subject to the provisions set forth herein, contracts shall be awarded to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids.
 - (1) When the terms and conditions of the Invitation for Bids provide that multiple awards may be made, awards may be made to more than one bidder.
 - (2) If the bid from the lowest responsible bidder exceeds available funds or is deemed excessive, the purchasing agent may (a) negotiate with the lowest responsible bidder to obtain an acceptable contract price, and if unsuccessful, may thereafter enter into negotiations with the next lowest bidder; or (b) reject all bids and solicit new bids, with or without revised specifications.
 - (3) When the contract is not awarded to the lowest bidder, a written statement of the reasons for awarding the contract to another bidder shall be prepared by the purchasing agent and maintained in the contract file.
- (j) Tie bids. In the case of a tie bid between a local business and a non-local business award shall be made to the local business. If tie bids are received from two (2) or more local firms or from two (2) or more non-local firms, a drawing shall be conducted. A witness shall be present to verify the drawing and shall certify the results on the bid tabulation sheet. The City reserves the right to reject all bids and rebid the contract.

- (k) Multi-step sealed bidding. When it is considered impractical to initially prepare a purchase description to support an award based on price, an Invitation for Bids may be issued requesting the submission of unpriced offers to be followed by an Invitation for Bids limited to those bidders whose offers have qualified under the criteria set forth in the first solicitation.
- (l) Single bid. Where only a single bid is received and the price is not acceptable to the City, the City may either negotiate with the bidder for a more acceptable price or reject the bid. If the bid is rejected, the City may re-solicit for bids or may utilize any other procurement method reasonably designed to obtain the best price.
- (m) Contract award based on "best value." Notwithstanding subsection 17-61(i), a contract may be awarded on best value analysis provided that the criteria for analysis was included in the invitation for bids. The contract shall be awarded to the responsive, responsible bidder whose bid is determined to be the best value to the City and that conforms in all material respects to requirements and criteria set forth in the invitation for bids.
- (n) Prior to contract award, a notice of intent to award shall be made available to the public.

Sec. 17-62. - Formal solicitation—Competitive sealed proposals (Request for Proposals-RFP).

- (a) Conditions for use. Formal contracts may be awarded by competitive sealed proposals where the purchasing agent, in consultation with the using department, determines in writing, that competitive sealed bidding is either not practicable or not advantageous to the City. The writing shall identify the basis for this determination.
- (b) Written justification. ~~A written justification for utilizing sealed proposals shall be submitted to the Awarding Authority before any resulting contract is awarded, except that a~~No written justification is required for utilizing competitive sealed proposals to procure:
 - (1) Professional services.
 - (2) Insurance.
 - (3) Design-build projects.
- (c) Request for Proposal (RFP); evaluating factors. The purchasing agent shall issue a written Request for Proposal (RFP) indicating in general terms that which is sought to be procured, specifying the relative importance of price and other factors which will be used in evaluating the proposal, and applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the contractor.
- (d) Public notice. Public notice of the RFP shall be given in the same manner as provided in section 17-61(c).
- (e) Receipt and opening of proposals. There shall be no public opening of proposals and no proposal shall be otherwise handled so as to permit disclosure of the identity of

any offeror or the contents of any proposal to competing offerors during the evaluation process. The proposals, except for information identified by the offeror as proprietary, shall be open for public inspection after contract award.

- (f) Late proposals. Late proposals shall be accepted only when it is established to the satisfaction of the purchasing agent that the lateness was due to unexpected weather or traffic conditions, or other conditions beyond the control of the offeror. The purchasing agent may require documentation and/or other proof of the condition resulting in the late proposal. No late proposal shall be accepted when to do so would confer an advantage on the late offeror or otherwise be adverse to fair competition. All decisions to accept late proposals shall be supported by a written determination made by the purchasing agent.
- (g) Discussion with Responsible Offerors, Negotiation and Revisions to Proposals. If provided in the RFP, the purchasing agent ~~or~~ along with the using department may conduct discussions with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. The City may have multiple discussions/negotiations with multiple offerors concurrently or sequentially. Offerors shall then be afforded an opportunity to revise their proposals prior to award for the purpose of obtaining best and final proposals. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- ~~(h) Ranking of proposals; negotiation; award. The purchasing agent in consultation with the using department shall evaluate the final proposals based on criteria contained in the RFP and rank in order of preference the most qualified offerors. The purchasing agent shall negotiate a contract with the top-ranked offeror. If the purchasing agent is unable to negotiate a satisfactory contract with the top-ranked offeror the purchasing agent may thereafter enter into negotiations with the next highest ranked offeror and, if unsuccessful, with each successive next highest ranked offeror. The contract shall be awarded to the highest ranked offeror with whom a satisfactory contract has been negotiated. If a contract satisfactory to the City cannot be reached, negotiations may be terminated and the solicitation process may start over. If, at any time during the process, it is determined in writing that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.~~
- (h) Award. After negotiations have been conducted with selected offerors, the City shall select the offeror which, in its opinion, has offered the best proposal, and shall award the contract to that offeror. The determination for award shall be made a part of the contract file.
- (i) Multi-step Method. A multi-step method may be used in the evaluation process with qualifications, technical proposals and price proposals being obtained and evaluated either separately or concurrently.

- ~~(j)~~(i) Multiple awards. Multiple awards may be made under a single RFP if the RFP provides for multiple awards.
- (k) Prior to contract award, a notice of intent to award shall be made available to the public.

Sec. 17-63. - Informal solicitation.

- (a) Any purchase not exceeding thirty thousand dollars (\$30,000.00) may be made in accordance with informal procurement procedures established by the purchasing agent that provide for informal solicitation of bids, quotations, proposals or offers.
- (b) The award shall be made to the lowest responsive and responsible supplier. The name of the person submitting a bid, quotation, proposal, or offer and the date and amount of each bid, quotation, or offer shall be recorded and maintained as part of the contract file.
- (c) When the contract is not awarded to the lowest supplier, a written statement of the reasons for awarding the contract to another supplier shall be prepared by the purchasing agent and maintained in the contract file.

Sec. 17-64. - Request for expressions of interest.

- (a) Conditions of use. A request for expressions of interest may be used to:
- (1) Obtain essential procurement information needed to prepare a subsequent solicitation;
 - (2) Develop a ready source of potential offerors who can respond to a subsequent solicitation; or
 - (3) Resolve technological or programmatic questions relative to how the City requirements can best be supplied.
- (b) Public notice. As determined by the purchasing agent, public notice of the request for expressions of interest shall be given in the same manner provided in section 17-61(c).
- (c) Evaluation. A request for expressions of interest must contain evaluation factors and an explanation of how the list of offerors who will be eligible to receive a subsequent solicitation will be determined.
- (d) Selection Committee. A selection committee must review and evaluate the proposals and recommend a list of offerors who will be eligible to receive a subsequent solicitation.
- (e) Subsequent solicitation. A request for expressions of interest does not directly lead to the award of a contract. Only those offerors determined to be eligible to receive a subsequent solicitation may participate in any subsequent solicitation. A subsequent

solicitation may be accomplished through competitive sealed bidding, competitive sealed proposals, or an informal solicitation. Proposals received under a request for expressions of interest may form a basis for justifying a non-competitive contract award.

Sec. 17-65. - Unsolicited proposals.

- (a) Processing of Unsolicited Proposals. If the City receives a proposal, other than one submitted in response to a solicitation, the purchasing agent shall forward the proposal to the using department.
- (b) Conditions for Use. To be considered for evaluation, an unsolicited proposal:
 - (1) Shall be in writing;
 - (2) Shall be sufficiently detailed to allow a judgment to be made concerning the potential utility of the proposal to the City;
 - (3) Shall contain a novel or innovative concept, application, approach, or method or which demonstrates a novel capability of the offeror of the proposal;
- (c) Evaluation. The purchasing agent shall make a determination as to whether the proposal meets the requirements of section 17-65(b). The purchasing agent shall make a determination within thirty (30) days after receiving the unsolicited proposal. If the purchasing agent fails to make a determination within thirty (30) days as required, the unsolicited proposal shall be considered disapproved.

If the purchasing agent determines that the proposal does not meet the requirements of this section, a contract award shall not be made based on the unsolicited proposal.

- (d) Discussion with Responsible Offeror. The purchasing agent and the using department may conduct discussions with an offeror who submits a proposal for the purpose of clarification and to assure full understanding. An offeror shall be afforded an opportunity to revise their proposal prior to award.
- (e) Public notice before award. Not less than thirty (30) days before the execution and award of a contract based on an unsolicited proposal, the purchasing agent shall publish a notice of intent to award the contract on the City's website. If, during the 30-day period before contract award, a person files a written petition with the City for reconsideration of an approval determination, the awarding authority shall reconsider and make written findings affirming or reversing the approval.
- (f) Contract Award. Subject to the provisions set forth herein, award of an unsolicited proposal shall be made in accordance with section 17-39.
- (g) Confidentiality. The proposal, except for information identified by the offeror as proprietary, shall be open for public inspection after contract award.

Sec. 17-66. - Right to cancel solicitations; right to reject bids, proposals and offers.

- (a) The purchasing agent may, when in the best interest of the City, cancel an Invitation for Bids, a Request for Proposals, or other solicitation. The reasons therefor shall be made a part of the contract file.
- (b) Any or all bids, proposals, or offers may be rejected in whole or in part by the Awarding Authority.

Sec. 17-67. - Responsibility of bidders and offerors.

- (a) Determination of responsibility. A determination shall be made as to the capability of the bidder or offeror to fully perform the contract requirements in all respects. Where competitive sealed bids or competitive sealed proposals are used any determination of nonresponsibility shall be made in writing.
- (b) Factors to consider. The following factors shall be considered in determining whether a bidder or offeror is "responsible:"
 - (1) Price and other criteria set forth in the solicitation documents;
 - (2) The ability, capacity, skill and financial resources of the bidder or offeror to perform the contract or provide the service required within the time specified, without delay or interference;
 - (3) The character, integrity, reputation, judgment, experience, and efficiency of the bidder or offeror;
 - (4) The quality of performance of previous contracts or services;
 - (5) The previous and existing compliance by the bidder or offeror with laws and ordinances relating to a contract with the City;
 - (6) The ability of the bidder or offeror to provide future maintenance and service for the use of the subject of the contract;
 - (7) Such other factors deemed relevant to the determination of nonresponsibility.
- (c) Presumed nonresponsibility. A bidder or offeror who has been disbarred or who is in default on payment of taxes, licenses, fees, fines, or other monies due the City, for whatever reason, shall be deemed to be nonresponsible.
- (d) Failure to provide information. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such bidder or offeror.
- (e) Nondisclosure of information.
 - (1) Confidential information furnished by a bidder or offeror pursuant to this section shall not be made public without the prior written consent of the bidder or offeror.
 - (2) The City shall not be required to disclose specific information received from references if such information was disclosed in confidence or if the disclosure of said information could affect the ability of the City to obtain future references.

- (f) Prequalification. Where a competitive procurement process is used, the purchasing agent may prequalify bidders or offerors to submit a bid or proposal based on the criteria for determining "responsibility" as set forth in this section and in the solicitation documents. Prequalification of a bidder or offeror shall not constitute a conclusive determination that a bidder or offeror is responsible, and such bidder or offeror may be rejected as non-responsible at any time on the basis of subsequently discovered information.

DIVISION 3. - COOPERATIVE PROCUREMENT

Sec. 17-71. - Cooperative procurement authorized.

- (a) The City may participate in, sponsor, conduct, or administer cooperative procurement agreements with one or more other public entities when the best interests of the City would be served thereby.
- (b) The City may contract with any contractor who offers goods, services, insurance, or construction on the same terms as provided other state or local governments or agencies thereof who have arrived at those terms through a competitive procurement procedure similar to the procedure used by the City.
- (c) Supporting justification and documentation of any analysis that was conducted shall be prepared and made a part of the contract file.

Sec. 17-72. - Contracting with public entities.

- (a) The City may contract directly with other public entities for goods or services when such goods or services were obtained through competitive procurement procedures.
- (b) The City may contract with any public entity to provide or receive any work or services of the type the City or such other public entity performs for its jurisdiction.
- (c) Supporting justification and documentation of any analysis that was conducted shall be prepared and made a part of the contract file.

Sec. 17-73. - Joint use of facilities.

The City may enter into agreements or memoranda of understanding with other public entities for the common use or lease of facilities upon terms agreed upon between the parties.

Sec. 17-74. - Supply of personnel, information, and technical services.

The City may enter into agreements or memoranda of understanding with other public entities for supplying or receiving personnel, information, or technical services.

DIVISION 4. - NON-COMPETITIVE PROCUREMENT METHODS

Sec. 17-81. - Small procurements.

Expenditures of not more than three thousand dollars (\$3,000.00) may be made by the using department without the prior approval of the purchasing agent in accordance with procedures governing small procurements established by the purchasing agent.

Sec. 17-82. - Sole source procurement.

- (a) A contract of any value may be awarded without competition, and negotiations may be conducted as appropriate, when the Awarding Authority determines, based on a good faith review of available sources, that
 - (1) There is only one (1) source practicably available for the required supply, service, insurance, or construction item; or
 - (2) The availability of used machinery or equipment is limited, such as to make competitive procurement impractical, and that a delay in procurement would be detrimental to the City; or
 - (3) Competition is precluded due to proprietary information, patents, copyrights, or similar circumstances.
- (b) A record of sole source procurements shall be maintained that lists each contractor's name, the amount and type of each contract, a listing of the item procured under each contract and the reasons justifying the sole source procurement.
- (c) The purchasing agent shall submit to the City Manager an annual report of all sole source procurements in excess of thirty thousand dollars (\$30,000.00).
- (d) The City Manager shall provide to the Mayor and Council annually a list of all sole source procurements in excess of thirty thousand dollars (\$30,000.00).

Sec. 17-83. - Phased projects or services.

When the appropriate Awarding Authority determines that a project or a service of a complex nature carried out in phases makes it not feasible to continue subsequent phases with other than the first phase source, contracts for subsequent phases may be awarded to the first phase source without competition.

Sec. 17-84. - Emergency procurements.

- (a) The purchasing agent may authorize emergency procurements of supplies, services, insurance, or construction of any value without competition under any of the following circumstances:
 - (1) Where there exists a threat to public health, welfare or safety;
 - (2) Where delay would significantly injure the City financially or otherwise;

- (3) To prevent a breakdown in machinery and/or threatened termination of essential services (including maintenance and repair of essential office equipment);
- (4) To prevent spoilage;
- (5) Any other circumstance in which goods, services, insurance, or construction are needed for immediate use;
- (b) Emergency procurements shall be made with such competition as is practical under the circumstances.
- (c) As soon as practicable, a record of each emergency procurement shall be made containing the following:
 - (1) A written explanation of the circumstances of the emergency;
 - (2) A tabulation of bids or quotes received, if any;
 - (3) The contractor's name, the amount and type of contract, a listing of the items procured under the contract.
- (d) To the extent feasible under the circumstances, the purchasing agent shall obtain the approval of the City Manager for emergency procurement in excess of thirty thousand dollars (\$30,000.00).
- (e) The purchasing agent shall submit to the City Manager an annual report listing of all emergency purchases in excess of thirty thousand dollars (\$30,000.00).
- (f) The Council shall be notified of emergency procurements exceeding one hundred thousand dollars (\$100,000.00) as soon as practicable.
- (g) The City Manager shall provide to the Mayor and Council annually a list of all emergency procurements in excess of thirty thousand dollars (\$30,000.00).

Sec. 17-85. - Related construction projects.

Contracts may be awarded without competition for construction of City improvements if:

- (1) City improvements consist of a portion of a single structure or complex of related structures containing both City and private improvements or improvements of another government; and
- (2) The party with whom the City contracts for construction of the City improvements is also constructing the private or other governmental improvements within the single structure or complex of related structures; and
- (3) There is a written determination that this method of procurement is in the best interests of the City.

Sec. 17-86. - Contract extensions.

Unless otherwise provided in the solicitation documents, an extension of a contract may be awarded without competition when a written finding is made that circumstances warrant the extension of an existing contract, provided the extension is for not more than one year and does not exceed twenty-five percent (25%) of the total original price.

Sec. 17-87. - Exemptions.

(a) The following are exempt from competitive procurement:

- (1) Professional services and other services associated with actual or potential litigation, administrative, or regulatory proceedings.
- (2) Professional services not exceeding five thousand dollars (\$5,000.00). No contractor or other person may be a party to, or beneficiary of, more than one contract awarded pursuant to this provision within any given fiscal year.
- (3) Purchases for water, sewer, electric, [[telephone,]] postage or other utility services and motor vehicle license plates.
- (4) Sale, rental, or purchases of land and improvements on the land, and rights-of-way.
- (5) Grants or contracts with other public bodies.
- (6) Goods purchased from a public auction sale, including an internet auction, provided that a written determination is made in advance by the purchasing agent that such purchase is in the best interest of the City.
- (7) Purchases for special police work when the Chief of Police certifies to the purchasing agent that items are needed for undercover police operations.
- (8) Purchases of goods and personal services for direct use by individual recipients of services under the public assistance programs administered by the City.
- [[(9) Purchases from nonprofit sheltered workshops serving the handicapped.]]
- [[(10)]] (9) Expenditures for travel, subscription, courses, seminars, and conventions, membership dues and subscription fees.
- [[(11)]] (10) Advertising.
- [[(12)]] Procurement of temporary employment services.]]
- [[(13)]] (11) Procurement of entertainment, instructional, facilitating, or educational services for City officials, staff, or residents, or for social, cultural, or recreational programs or events offered or sponsored by the City.
- [[(14)]] (12) Acquisition of works of art for public display.
- [[(15)]] (13) Employment contracts and employee relocation costs.
- [[(16)]] (14) Sponsorship agreements.
- ~~(17) Lobbying services.~~
- ~~(18)~~ (17) On-going proprietary software maintenance or support.

(b) Although procurements referred to in section 17-87 are exempt from competition, the provisions of sections 17-37, 17-38 and 17-39 apply. [[When applicable, s]] Supporting justification and documentation of any analysis that was conducted shall be prepared and made a part of the contract file. The City Manager may waive these requirements. Justification for the waiver shall be made a part of the contract file. The City Manager

shall provide to the Mayor and Council annually a list of all waivers approved by the City Manager.

Sec. 17-88. - Special procurements.

- (a) The Awarding Authority may authorize non-competitive procurement methods, upon a written determination that a unique or unusual circumstance exists that makes competitive procurement contrary to the City's interest.
- (b) A record of special procurements shall be maintained that lists each contractor's name, the amount and type of each contract, a listing of the item procured under each contract and the reasons justifying the special procurement.

Sec. 17-89. - Environmentally preferable ~~[[purchasing]]~~ procurement.

The purchasing agent will develop an environmentally preferable ~~[[purchasing]]~~ procurement policy which shall provide preference, to the greatest extent practicable, to products and services that will enhance and protect the environment, protect the welfare of workers, residents, and the larger global community, and represent the best overall value to the City.

* * *

Sec. 17-154. - Split ~~[[purchasing]]~~ procurement/sale prohibited.

No purchase or sale shall be divided for the purpose of evading the provisions of this chapter.

* * *

ARTICLE VII. - PROTESTS AND DEBARMENT

* * *

Sec. 17-173. - Contract disputes.

- (a) Contractors must first attempt to resolve all contract disputes with the using department, and thereafter with the purchasing agent.
- (b) Unresolved contract disputes may be submitted to the City Manager for a decision. All disputes must be submitted in writing with supporting documentation.
- (c) The City Manager shall conduct, or cause to be conducted, such hearing as deemed appropriate under the circumstances and shall issue a decision in writing, which decision shall be furnished to the contractor. At the request of a contractor the City Manager shall retain an independent hearing officer to conduct a due process evidentiary hearing and to make a recommendation to the City Manager. The contractor and the City shall share equally the cost of the hearing officer's fee and all other expenses related to the hearing. Each party shall be responsible for all costs associated with the presentation of its side of the dispute.

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(d) The City Manager's decision shall be final and binding.

Sec. 17-174. - Appeals from City Manager's decisions.

Any person aggrieved by a decision of the City Manager pursuant to this chapter may appeal such decision to the Circuit Court for Montgomery County in accordance with the provisions of the Maryland Rules governing administrative appeals, except that a contractor must request a hearing before an independent hearing officer prior to appealing the City Manager's decision in a contract dispute pursuant to section ~~17-174~~. 17-173. The aggrieved party and the City may appeal the decision of the Circuit Court to the Court of Special Appeals.

* * *

NOTE: Underlining indicates material added
 ~~Strikethrough~~ indicates material deleted
 Asterisks * * * indicate material unchanged by this ordinance
 Double Underlining indicates material added after introduction
 [[Double brackets]] indicate material deleted after introduction

* * * * *

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of

 Kathleen Conway, City Clerk/Director
 Of Council Operations



Mayor & Council Meeting Date: February 5, 2018
 Agenda Item Type: Introduction and Possible Adoption
 Department: Finance
 Responsible Staff: Stacey Webster

Subject

Introduction, and Possible Adoption, of an Ordinance to Amend Ordinance #07-17 to Appropriate Funds and Levy Taxes for Fiscal Year 2018 (Budget Amendment #2)

Recommendation

Staff recommends that the Mayor and Council introduce the attached ordinance to amend Ordinance #07-17 to appropriate funds and levy taxes for Fiscal Year 2018 (Budget Amendment #2).

If the Mayor and Council wish to proceed with adoption of the ordinance at the same meeting, the ordinance should first be introduced and then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four or more members of the Mayor and Council, a motion to adopt the ordinance may then proceed.

Change in Law or Policy

In accordance with the City Charter, since the budget ordinance is adopted at the fund level, a change in the appropriated amount of any fund requires action by the Mayor and Council. The vehicle for such action is an amendment to the budget ordinance. The proposed ordinance, Attachment A, would amend the FY 2018 budget.

Discussion

This budget amendment recognizes the items listed below and detailed on Attachment B.

- purchase orders that carried over from FY 2017,
- additional revenue anticipated in the operating budget,
- new recycling vehicle,
- increases to Capital Improvements Program (CIP) projects, and
- transfer of General Fund reserves to the Capital Projects Fund.

Purchase Orders that Carried Over from FY 2017

Each year, the City reappropriates funds to cover purchase orders that were outstanding at the close of the prior fiscal year. Purchase orders were issued before the end of the fiscal year, but the goods or services were not delivered until after the beginning of the new fiscal year. At year end, these funds are assigned for appropriation and are reflected as an adjustment to the next

year's budget. A summary by fund of the FY 2017 purchase order amounts that carried over into FY 2018 is shown under the Fiscal Impact section of this agenda item.

Additional Revenue Anticipated in the Operating Budget

This amendment recognizes several new grants (\$34,650 in Police, \$47,380 in Recreation and Parks, \$100,000 in Public Works, and \$8,190 in CPDS), \$20,000 in personal training revenue for the Senior Center, and \$20,604 in miscellaneous revenues from the former Nature Center Special Activities Fund account. The amendment also includes the appropriation of \$47,930 in seized Police funds for the purchase of new tasers for the Police Department.

In addition to the changes above, the amendment includes increases to personal property tax revenue, income tax revenue, and miscellaneous revenue. Staff is recommending increasing the personal property tax estimate by \$600,000 to more accurately reflect actual personal property tax receipts and to align with historical trends. This revenue source is more difficult to predict compared to real property tax revenue because it is based on a self-reporting model, rather than based on State determined assessments. The \$420,000 increase in the City's income tax revenue is based on actual FY 2017 receipts, the City's income tax distributions to date, and updated economic information from the State of Maryland's Bureau of Revenue Estimates. The \$280,350 increase in miscellaneous revenue is a result of the City's latest conduit bond issue with Ingleside at King Farm. This is the first installment of an ongoing revenue source that will be included in future adopted budgets.

New Recycling Vehicle

This amendment recognizes the appropriation of \$188,600 for the purchase of one solid wheel front end loader that the Mayor and Council approved on December 11, 2017. This purchase was made in conjunction with the City authorizing a new contract for the transportation of single stream recycling materials.

The amendment also includes a net zero change to the revenue and expense lines for the Refuse Fund to recognize current activity related to the sale and processing of the City's recyclable materials.

Increases to CIP Projects:

- **Skate Park**

This amendment includes additional funding of \$1,125,000 for the Skate Park CIP project. The original Skate Park project included a complete renovation of the existing park at the current location; however, based on a proposal from the City Manager, and then input from the community and the Mayor and Council, this project now includes the construction of a new Skate Park located in the parking lot of the Swim and Fitness Center. The \$1.1 million in additional funding will help to support the relocation of the Skate Park, a change from steel to concrete elements, and new park lighting. Ongoing operating expenses, such as utilities, stormwater management fees, maintenance, and

staffing, will be determined during the design phase of the new Skate Park. Some of the ongoing operating expenses will appear in the FY 2019 operating budget.

This project first appeared in the FY 2016 CIP with an original budget of \$362,500; including the \$1.1 million in this amendment, the total project budget will equal \$1,487,500. Project completion is estimated in FY 2019.

- **Lincoln Park Community Center Parking Lot Expansion**

This amendment includes additional funding of \$430,000 for the Lincoln Park Community Center Parking Lot Expansion CIP project. These funds support the design and construction of a parking lot on a parcel adjacent to the Lincoln Park Community Center. The City purchased the adjacent parcel (313 ½ Frederick Ave) in FY 2017 under a separate CIP project for \$310,000. The current parking lot has less than 20 spaces and fills quickly during peak times.

The expansion project first appeared in the FY 2018 CIP with \$100,000 funded for demolition and design of the parking lot and \$430,000 unfunded for parking lot construction. Including the \$430,000 in this amendment, the total project budget will equal \$530,000. Project completion is estimated in FY 2019.

- **Playground Replacement**

This amendment includes an additional \$131,500 for the Playground Replacement CIP project. This addition is fully grant funded from the State of Maryland Parks and Open Space Community Playgrounds grant program. This recommended change will support the replacement of the playground structure at Croydon Park.

This playground replacement was not included in the FY 2018 budget because it was pending grant approval. Project completion is expected in FY 2019.

- **SWM Facilities Improvement: FY16-FY20**

This amendment includes additional funding of \$450,000 for the SWM Facilities Improvement: FY16-FY20 CIP project. This addition is fully grant funded from the State of Maryland Department of Natural Resources, Chesapeake and Atlantic Trust Fund grant program.

This recommended change will help to offset the cost for the Hungerford-Stoneridge facility retrofit construction that is currently planned in the CIP. Project completion is expected in FY 2019.

- **Rockville 11 Studio**

This amendment includes additional funding of \$517,000 for the Rockville 11 Studio CIP project. These funds support the conversion of some of the space vacated by the Police Department in City Hall into a studio space for Rockville 11. Construction will include sound proofing, leveling, demolition of a wall, a new lighting grid, and HVAC. This

project also includes the purchase of furniture and production equipment to outfit the new space.

This project is funded from the Special Activities Fund, restricted cable grant revenue and first appeared in the FY 2016 CIP with a budget of \$600,000. Including the \$517,000 in this amendment, the total project budget will equal \$1,117,000. Project completion is estimated in FY 2019.

Transfer of General Fund Reserves to the Capital Projects Fund

This amendment recognizes the appropriation of \$3.6 million in General Fund reserves above the City's 20 percent reserve target to the Capital Projects Fund. These funds will partially support the Skate Park (included in this amendment) and fully support the anticipated increase to the Swim and Fitness Center Locker Rooms Renovation project. The increase to the Swim and Fitness Center Locker Rooms Renovation project will be presented to the Mayor and Council in the FY 2019 Proposed CIP budget.

Mayor and Council History

This is the second budget amendment for FY 2018. The first amendment was adopted by the Mayor and Council on June 12, 2017. The FY 2018 budget was adopted by the Mayor and Council on May 1, 2017.

Fiscal Impact

The following operating funds will be adjusted if this budget amendment is adopted.

City Fund	Current Budget	FY17 Purchase Orders	2/5/2018 Amendment	Amended Budget
General	\$79,690,000	\$739,038	\$5,070,914	\$85,499,952
Water	13,260,570	-*	-	13,260,570
Sewer	13,611,150	-*	-	13,611,150
Refuse	7,147,890	242,866	425,600	7,816,356
Parking	2,522,140	-*	-	2,522,140
Stormwater Mgmt.	5,464,700	-*	-	5,464,700
RedGate Golf	105,620	-	-	105,620
Special Activities	1,403,770	58,076	100,000	1,561,846
CDBG	263,000	88,743	8,190	359,933
Speed Camera	1,400,000	-	-	1,400,000
Debt Service	5,410,460	-	-	5,410,460
Total	\$130,279,300	\$1,128,723	\$5,604,704	\$137,012,727

* The following purchase order totals were added to the FY 2019 budget, but did not change each respective funds' total because the purchase orders were offset by a reduction in the "add. to reserves" line: \$20,949 Water Fund, \$2,584 Sewer Fund, \$9,000 Parking Fund, and \$27,107 Stormwater Management Fund. The total amount of purchase orders that carried over for all funds equals \$1,188,362.

The following capital funds will be adjusted if this budget amendment is adopted.

Capital Fund	Current Budget	2/5/2018 Amendment	Amended Budget
Capital Projects	\$41,242,397	\$5,031,850	\$46,274,247
Water	5,948,257	-	5,948,257
Sewer	7,580,510	-	7,580,510
Stormwater Mgmt.	8,307,555	450,000	8,757,555
Special Activities	6,477,845	517,000	6,994,845
Speed Camera	285,472	-	285,472
Total	\$69,842,036	\$5,998,850	\$75,840,886

Attachments

Attachment 15.a: AttachA_BudgetOrdinance_Feb2018 (PDF)
Attachment 15.b: AttachB_AmendmentDetail_Feb2018 (PDF)
Attachment 15.c: AttachC_Summary_Feb2018 (PDF)



Rob DiSpirito, City Manager

1/30/2018

ORDINANCE NO. _____

ORDINANCE: To Amend Ordinance
07-17 To Appropriate
Funds and Levy
Taxes for Fiscal Year
2018.

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE,
MARYLAND** as follows:

SECTION I - ANNUAL OPERATING APPROPRIATIONS

There are hereby appropriated for the fiscal year beginning July 1, 2017, and ending June 30, 2018, out of the revenues accruing to the City for the purpose of operations, the several amounts hereinafter listed under the column designated "Amounts Appropriated":

FUNDS	AMOUNTS APPROPRIATED	
General Fund	[\$79,690,000]	<u>\$85,499,952</u>
Water Fund	13,260,570	
Sewer Fund	13,611,150	
Refuse Fund	[7,147,890]	<u>7,816,356</u>
Parking Fund	2,522,140	
Stormwater Management Fund	5,464,700	
RedGate Golf Course Fund	105,620	
Special Activities Fund	[1,403,770]	<u>1,561,846</u>
Community Development Block Grant	[263,000]	<u>359,933</u>
Speed Camera Fund	1,400,000	
Debt Service Fund	5,410,460	

The "Amounts Appropriated" by this section totaling [\$130,279,300] \$137,012,727 shall be for the annual operating expenses of the departments and agencies of the City and shall be disbursed under the supervision of the City Manager.

ORDINANCE NO. _____

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SECTION II - CAPITAL PROJECTS APPROPRIATIONS

There is hereby appropriated out of the revenues accruing to the City for the purpose of capital improvements, the several amounts hereinafter listed under the column designated

"Amounts Appropriated":

FUNDS	AMOUNTS APPROPRIATED	
Capital Projects Fund	[\$41,242,397]	<u>\$46,274,247</u>
Water Fund	5,948,257	
Sewer Fund	7,580,510	
Stormwater Management Fund	[8,307,555]	<u>8,757,555</u>
Special Activities Fund	[6,477,845]	<u>6,994,845</u>
Speed Camera Fund	285,472	

The "Amounts Appropriated" by this section totaling [\$69,842,036] \$75,840,886 shall be for improvement projects and shall be disbursed under the supervision of the City Manager.

SECTION III - GENERAL LEVY

There is hereby levied against all assessable real property within the corporate limits of the City a tax at the rate of twenty-nine and two-tenths cents (\$0.292) on each \$100 of assessable value of said property. There is also hereby levied, against all assessable personal property within the corporate limits of the City, a tax at the rate of eighty and one-half cents (\$0.805) on each \$100 of assessable value of said property. These taxes are hereby levied in order, together with other available revenues and funds of the City government, to provide funds for the

ORDINANCE NO. _____

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"Amounts Appropriated" as set forth in the foregoing Section I. The tax levies herein provided in this section shall not apply to property in the City of Rockville to the extent that such property is not subject to taxes as provided in any valid and binding annexation agreement.

SECTION IV – TOWN CENTER PARKING DISTRICT LEVY

There is hereby levied against all assessable non-exempt real property within the Town Center Parking District a tax at the rate of thirty-three cents (\$0.33) on each \$100 of assessable value of said property. These taxes are hereby levied in order, together with other available revenues and funds of the City government, to provide funds for the "Parking Fund" as listed in the "Amounts Appropriated" in Section I.

SECTION V – TOWN SQUARE STREET AND AREA LIGHTING DISTRICT LEVY

There is hereby levied against all assessable real property within the Town Square Street and Area Lighting District a tax at the rate of zero cents (\$0.00) on each \$100 of assessable value of said property. These taxes are hereby levied in order, together with other available revenues and funds of the City government, to provide funds for the "Town Center Management District Fund" as listed in the "Amounts Appropriated" in Section I.

SECTION VI – TOWN SQUARE COMMERCIAL DISTRICT LEVY

There is hereby levied against all assessable commercial real property within the Town

ORDINANCE NO. _____

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Square Commercial District a tax at the rate of zero cents (\$0.00) on each \$100 of assessable value of said property. These taxes are hereby levied in order, together with other available revenues and funds of the City government, to provide funds for the “Town Center Management District Fund” as listed in the “Amounts Appropriated” in Section I.

NOTE: [Brackets] indicate material deleted.
Underlining indicates material added.

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted
 by the Mayor and Council of Rockville at its meeting of

 Kathleen A. Conway, City Clerk/Director of Council Operations

Attachment 15.a: AttachA_BudgetOrdinance_Feb2018 (1788 : FY 2018 Budget Amendment #2)

**FY 2018 Budget Amendment #2, Operating Budget
February 5, 2018**

General Fund (110)					
Expenditures					
110 - 800 - 1101 - 0350	Furniture and Equipment - Body Cameras (grant funded)			5,000	
110 - 800 - 1102 - 0104	Overtime - DUI Patrol (grant funded)			4,650	
110 - 800 - 1201 - 0350	Furniture and Equipment - Taser Replacement			47,930	
110 - 800 - 1404 - 0104	Overtime - Commercial Vehicle Inspections (grant funded)			25,000	
110 - 900 - 0100 - 0608	Other Outside Agency Grant - Recreation Foundation			20,604	
110 - 900 - 4043 - multiple	Temp. Staffing/Supplies - Sr. Center English Program (grant funded)			47,380	
110 - 900 - 4047 - 0103	Temp. Staffing - Personal Training at Senior Center			20,000	
110 - 950 - 0100 - 0770	Transfer to CIP			4,900,350	
Total Expenditures:				5,070,914	
Revenues					
110 - 800 - 01IN - 3674	Other Grant - LGIT Grant for Body Cameras			5,000	
110 - 800 - 01IN - 3311	Federal Grant - Maryland State Highway Administration			29,650	
110 - 900 - 41IN - 3674	Other Grant - Montgomery Coalition for Adult English Literacy			47,380	
110 - 900 - 43IN - 3476	Program Fees - Personal Training at Senior Center			20,000	
110 - 950 - 01IN - 3112	Personal Property Tax			600,000	
110 - 950 - 01IN - 3352	Income Tax			420,000	
110 - 950 - 01IN - 3916	Miscellaneous - From Former Nature Ctr Special Activities Account			20,604	
110 - 950 - 01IN - 3916	Miscellaneous - From Conduit Bond Issue			280,350	
110 - 950 - 01IN - 3940	Unassigned Fund Balance - Seized funds for Taser Replacement			47,930	
110 - 950 - 01IN - 3940	Unassigned Fund Balance - Support CIP			3,600,000	
Total Revenues:				5,070,914	

Refuse Fund (230)					
Expenses					
230 - 850 - 0803 - 0431	Vehicles			188,600	
230 - 850 - 9401 - 0245	Recycling Process Fees			237,000	
Total Expenses:				425,600	
Revenues					
230 - 850 - 9401 - 3415	Sales of Recyclable Materials			237,000	
230 - 950 - 01IN - 3940	Use of Reserves			188,600	
Total Revenues:				425,600	

Special Activities Fund (350)					
Expenditures					
350 - 850 - 6501 - 0422	Special Projects - Transportation Improvements (grant funded)			100,000	
Total Expenditures:				100,000	
Revenues					
350 - 850 - 65IN - 3344	State Grants - Maryland Bikeways Grant			100,000	
Total Revenues:				100,000	

Community Development Block Grant Fund (360)					
Expenditures					
360 - 600 - 42XX - 0242	Contract Repairs			8,190	
Total Expenditures:				8,190	
Revenues					
360 - 600 - 01IN - 3311	Federal Grant - CDBG Year 42			8,190	
Total Revenues:				8,190	

FY 2018 Budget Amendment #2, CIP Budget
February 5, 2018

Capital Projects Fund (420)					
Expenditures					
420 - 900 - RB18 - 0426	Construction - Lincoln Park Parking Lot Expansion			430,000	
420 - 900 - RH16 - 0426	Construction - Playground Replacement (grant funded)			131,500	
420 - 900 - RJ16 - 0426	Construction - Skate Park Renovation			1,125,000	
420 - 950 - 0100 - XXXX	Addition to Fund Balance - For Future Appropriation			3,345,350	
Total Expenditures:				5,031,850	
Revenues					
420 - 900 - RB18 - 3658	Paygo - Lincoln Park Parking Lot Expansion			430,000	
420 - 900 - RH16 - 3653	State Grant - Croydon Park			131,500	
420 - 900 - RJ16 - 3658	Paygo - Skate Park Renovation			1,125,000	
420 - 950 - 01IN - 3658	Paygo - For Future Appropriation			3,345,350	
Total Revenues:				5,031,850	

Stormwater Management Fund (330)					
Expenses					
330 - 850 - SE16 - 0426	Construction - SWM Facilities Improvement			450,000	
Total Expenses:				450,000	
Revenues					
330 - 850 - SE16 - 3344	State Grant - Chesapeake and Atlantic Trust Fund Grant			450,000	
Total Revenues:				450,000	

Special Activities Fund (350)					
Expenditures					
350 - 550 - GA16 - 042X	Design, Construction, Other - Rockville 11 Studio			517,000	
Total Expenses:				517,000	
Revenues					
350 - 550 - GA16 - 3658	Paygo - Rockville 11 Studio			517,000	
Total Revenues:				517,000	

City of Rockville, Maryland
FY 2018 Operating Budget
Amended February 2018

	Governmental Funds					Enterprise Funds						Total Operating
	General	Special Activities	CDBG	Speed Camera	Debt Service	Water	Sewer	Refuse	Parking	SWM	RedGate	
Revenue												
Property Taxes	41,467,000	-	-	-	-	-	-	-	200,000	-	-	41,667,000
Other Gov't.	20,313,970	100,000	359,933	-	-	-	-	-	310,000	-	-	21,083,903
Fines/Forfeiture	1,243,130	-	-	1,400,000	-	-	-	-	715,000	-	-	3,358,130
Use Money/Prop.	1,354,540	1,139,980	-	-	59,500	49,400	-	2,900	37,900	10,400	-	2,654,620
Charges for Serv.	6,782,990	39,000	-	-	-	12,557,000	13,427,700	6,360,530	370,000	5,121,000	12,000	44,670,220
Licenses/Permits	2,875,000	-	-	-	-	-	-	-	-	300,000	-	3,175,000
Other Revenue	7,076,354	105,280	-	-	-	228,550	183,450	13,540	39,240	33,300	1,340	7,681,054
Total Revenue	81,112,984	1,384,260	359,933	1,400,000	59,500	12,834,950	13,611,150	6,376,970	1,672,140	5,464,700	13,340	124,289,927
Transfers In	-	119,510	-	-	5,230,000	425,620	-	46,730	850,000	-	-	6,671,860
Total Resources	81,112,984	1,503,770	359,933	1,400,000	5,289,500	13,260,570	13,611,150	6,423,700	2,522,140	5,464,700	13,340	130,961,787
Use of Reserves	4,386,968	58,076	-	-	120,960	-	-	1,392,656	-	-	92,280	6,050,940
Total (\$)	85,499,952	1,561,846	359,933	1,400,000	5,410,460	13,260,570	13,611,150	7,816,356	2,522,140	5,464,700	105,620	137,012,727
Expenses												
Personnel	48,939,210	-	-	110,830	-	3,567,940	1,899,660	2,753,280	306,230	2,294,650	-	59,871,800
Operating	13,923,677	536,326	359,933	678,560	121,030	2,104,669	3,884,194	2,278,240	114,260	772,287	-	24,773,176
Capital Outlay	2,988,881	350,340	-	-	-	281,290	21,000	726,506	9,000	-	-	4,377,017
Administrative	-	-	-	313,400	-	1,556,800	895,300	1,668,000	164,000	877,600	-	5,475,100
Other	1,901,594	120,300	-	20,000	-	3,385,810	4,636,140	357,530	233,780	912,300	100,550	11,668,004
Total Oper. Exp.	67,753,362	1,006,966	359,933	1,122,790	121,030	10,896,509	11,336,294	7,783,556	827,270	4,856,837	100,550	106,165,097
Principal	-	-	-	-	3,937,960	-	-	-	-	-	-	3,937,960
Interest	-	-	-	-	1,351,470	1,000,040	1,393,690	32,800	1,271,000	67,610	5,070	5,121,680
CIP Transfer	11,500,350	-	-	-	-	-	-	-	-	-	-	11,500,350
Transfers Out	6,246,240	-	-	-	-	-	425,620	-	-	-	-	6,671,860
Total Use	85,499,952	1,006,966	359,933	1,122,790	5,410,460	11,896,549	13,155,604	7,816,356	2,098,270	4,924,447	105,620	133,396,947
Add. to Reserves	-	554,880	-	277,210	-	1,364,021	455,546	-	423,870	540,253	-	3,615,780
Total (\$)	85,499,952	1,561,846	359,933	1,400,000	5,410,460	13,260,570	13,611,150	7,816,356	2,522,140	5,464,700	105,620	137,012,727



Mayor & Council Meeting Date: February 5, 2018
Agenda Item Type: Discussion
Department: Human Resources
Responsible Staff: Karen Marshall

Subject

Fiscal Year 2018 Second Quarter Vacancy Report

Recommendation

Staff recommends that the Mayor and Council review and discuss the Vacancy Report of General Fund positions that were open as December 31, 2017.

Discussion

The attached reflects all open positions with totals by funds ending December 31, 2017. The gross savings shown on the attached report for each position represents the portion of the FY18 adopted budget, including salary and benefits, that covers the number of days the position has been vacant in FY2018.

Mayor and Council History

The vacancy report was created in response to a Mayor and Council request during the FY2015 budget process. Since that time, staff has provided the Mayor and Council with reports on a quarterly basis.

Attachments

Attachment 16.a: Attachment A 2nd Quarter Vacancy Report by fund as of 12312017
(PDF)

A handwritten signature in black ink, appearing to read "Rob DiSpirito", is written over a horizontal line.

Rob DiSpirito, City Manager

1/31/2018

Vacancy Report - General Fund Positions Open as of 12/31/2017						ATTACHMENT A				
Department	Cost Center	Working Title	Grade	% General Fund	Position Vacancy Date	Status of Positions Open Over 90 Days	Days Open	Days Open FY2018	Adopted FY18 Budget	Gross Personnel Savings
CMO	Administration	Executive Assistant	AD109	100%	8/18/2017	The position was recently filled with a start date of January 29, 2018.	135	135	\$ 107,730	\$ 39,845.34
CPDS	Administration and Support	Director of Community Planning and Development Services	AD124	100%	4/9/2017	Search Firm has been identified and recruitment activity is under way.	266	183	\$ 195,480	\$ 98,007.78
CPDS	Application Process. & Permit	Fire Protection Engineer	AD113	100%	10/13/2017		79	79	\$ 103,990	\$ 22,507.42
Human Resources	Human Resources	General Services Aide	AD101	100%	7/1/2015	Position will be filled when a Project Search match from Montgomery County has been identified.	914	183	\$ 25,600	\$ 12,835.07
Police	Management & Support-Chief	Chief of Police	AD125	100%	6/1/2016	Position is posted with a closing date of February 12, 2018.	578	183	\$ 169,970	\$ 85,217.84
Police	Public Safety Communications	Police Communications Operator	AD108	100%	10/2/2017	Position was recently filled. The successful candidate is due to start on January 16, 2018.	90	90	\$ 74,940	\$ 18,478.36
Police	Patrol Teams	Police Officer	PL110	100%	12/22/2017		9	9	\$ 81,910	\$ 2,019.70
Police	Patrol Teams	Police Officer	PL110	100%	7/1/2017	Position was recently filled. The successful candidate is due to start on January 16, 2018.	183	183	\$ 81,910	\$ 41,067.21
Police	Patrol Teams	Police Officer	PL110	100%	10/1/2017	Position was recently filled. The successful candidate is due to start on January 16, 2018.	91	91	\$ 81,910	\$ 20,421.40
Police	Management & Administration	Police Service Aide	AD105	100%	8/4/2017	Position was recently filled. The successful candidate is due to start on January 16, 2018.	149	149	\$ 28,710	\$ 11,719.97
Police	Management & Support-Field Op.	Victim Advocate	AD108	100%	9/6/2017	Position is currently being reclassified.	116	116	\$ 105,720	\$ 33,598.68
Public Works	Fleet Services	Fleet Maintenance Supervisor	AD110	100%	10/9/2017		83	83	\$ 126,930	\$ 28,863.53
Public Works	Street Maintenance	Maintenance Worker - I	UN103	75%	12/25/2017		6	6	\$ 43,380	\$ 713.10
Public Works	Street Maintenance	Maintenance Worker - I	UN103	75%	12/25/2017		6	6	\$ 40,530	\$ 666.25
Public Works	Street Maintenance	Maintenance Worker - II	UN104	100%	12/1/2017		30	30	\$ 53,110	\$ 4,365.21
Public Works	Engineering	Senior Civil Engineer	AD113	20%	9/11/2017	Multiple offers have been made but declined. Awaiting a response from another candidate, and holding a meeting internally to re-assess the strategy for recruitment of senior civil engineer positions.	111	111	\$ 22,330	\$ 6,790.77
Public Works	Engineering	Senior Civil Engineer	AD113	40%	11/3/2017		58	58	\$ 41,470	\$ 6,589.75
									\$ 1,385,620	\$ 433,707.37

Vacancy Report - Water Fund Positions Open as of 12/31/2017										
Department	Cost Center	Working Title	Grade	% General Fund	Position Vacancy Date	Status of Positions Open Over 90 Days	Days Open	Days Open FY2018	Adopted FY18 Budget	Gross Personnel Savings
Public Works	Water Systems Maintenance	Maintenance Worker - II	UN104	100%	10/23/2017		69	69	\$ 70,660	\$ 13,357.64
Public Works	Engineering	Senior Civil Engineer	AD113	30%	9/11/2017	Multiple offers have been made but declined. Awaiting a response from another candidate, and holding a meeting internally to re-assess the strategy for recruitment of senior civil engineer positions.	111	111	\$ 33,490	\$ 10,184.63
									\$ 104,150	\$ 23,542.27

Vacancy Report - Sewer Fund Positions Open as of 12/31/2017										
Department	Cost Center	Working Title	Grade	% General Fund	Position Vacancy Date	Status of Positions Open Over 90 Days	Days Open	Days Open FY2018	Adopted FY18 Budget	Gross Personnel Savings
Public Works	Engineering	Senior Civil Engineer	AD113	20%	9/11/2017	Multiple offers have been made but declined. Awaiting a response from another candidate, and holding a meeting internally to re-assess the strategy for recruitment of senior civil engineer positions.	111	111	\$ 22,330	\$ 6,790.77
									\$ 22,330	\$ 6,790.77

Vacancy Report - Refuse Fund Positions Open as of 12/31/2017										
Department	Cost Center	Working Title	Grade	% Refuse Fund	Position Vacancy Date	Status of Positions Open Over 90 Days	Days Open	Days Open FY2018	Adopted FY18 Budget	Gross Personnel Savings
Public Works	Recycling and Refuse Collection	Maintenance Worker - I	UN103	25%	12/25/2017		6	6	\$ 14,790	\$ 243.12
Public Works	Recycling and Refuse Collection	Maintenance Worker - I	UN103	25%	12/25/2017		6	6	\$ 13,520	\$ 222.25
Public Works	Recycling and Refuse Collection	Sanitation Worker	UN104	100%	12/26/2017		5	5	\$ 55,800	\$ 764.38
									\$ 84,110	\$ 1,229.75

Vacancy Report - SWM Fund Positions Open as of 12/31/2017										
Department	Cost Center	Working Title	Grade	% SWM Fund	Position Vacancy Date	Status of Positions Open Over 90 Days	Days Open	Days Open FY2018	Adopted FY18 Budget	Gross Personnel Savings
Public Works	Stormwater Maintenance	Maintenance Worker - I	UN103	100%	10/27/2017		65	65	\$ 67,280	\$ 11,981.37
Public Works	Engineering	Senior Civil Engineer	AD113	30%	9/11/2017	Multiple offers have been made but declined. Awaiting a response from another candidate, and holding a meeting internally to re-assess the strategy for recruitment of senior civil engineer positions.	111	111	\$ 33,490	\$ 10,184.63
Public Works	Engineering	Senior Civil Engineer	AD113	60%	11/3/2017		58	58	\$ 62,170	\$ 9,879.07
									\$ 162,940	\$ 32,045.07



Mayor & Council Meeting Date: February 5, 2018
Agenda Item Type: Discussion and Instructions
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Kathleen Conway

Subject

Boards and Commissions Task Force Discussion

Recommendation

Staff recommends discussing and providing instructions on the attached:

- 1) Boards and Commissions Task Force Draft document
- 2) Draft Expression of Interest (EOI) Form for the Boards and Commissions Task Force

Attachments

Attachment 17.a: Boards and Commissions Task Force DRAFT for February 5 Meeting
 (PDF)

Attachment 17.b: Draft EOI for Rockville Boards and Commissions Task Force (PDF)


Kathleen Conway, City Clerk/Director of Council Operations 1/31/2018

This is a DRAFT document for discussion.
 January 16, 2018 (Mayor and Council comment)
 February 5, 2018 (Mayor and Council discussion)

Boards and Commissions Task Force DRAFT

Comments are presented as follows:

Mayor Newton: Red
Councilmember Feinberg: Orange
Councilmember Onley: (No initial comment)
Councilmember Palakovich Carr: Blue
Councilmember Pierzchala: Violet

Section 1: Boards and Commissions Task Force Objective

The objective of the Boards and Commissions Task Force is to review the Rockville City Charter and Code for clarity, understanding of purpose and structure for each Board or Commission, and to provide recommendations to the Rockville Mayor and Council. This includes examining the effectiveness and necessity of individual Boards and Commissions, membership definitions, structure and work plan of Rockville's Boards and Commissions, and reviewing the Charter or Code to clarify content for increased understanding.

Section 2: Boards and Commissions Task Force Purpose

The purpose of this review is to ensure that Boards and Commissions stay relevant to the City and the Mayor and Council. Another purpose is to utilize more fully the expertise of the Board and Commission members and to give them greater standing in the formulation of City policy. This allows the intrinsic desire of serving on a Board or Commission to be met which is critical to their success. Board and Commission members' efforts should complement those of City Staff and elected officials.

Mayor Newton's Comment(s):

a) Agree with the initial premise – are our Boards/Commissions relevant to today's City of Rockville? There may be some that should sunset or be combined – there may also be new areas to be served. The Financial Advisory Board, the Communications Task Force and the Youth Commission were all formed after the 2009 Election. The FAB is the only one still working and they have proven to be invaluable as a resource and sounding board. There are lessons learned from discussions during campaigns and perhaps we will learn of needs during this process.

b) Notwithstanding our 66B Boards and Commissions - I'm not sure I support giving Boards/Commissions greater standing in the formulation of policy. Members of Boards/Commissions are not elected by the citizens and therefore should be making recommendations to those that are elected for their review and decision.

Councilmember Feinberg's Comment(s):

a) delete sentence 2 above and replacing with "Another purpose is to examine the Boards and Commissions to assess which may require special expertise and which may rely on more generic experience and civic engagement in the City" for the following reasons: different Boards and Commissions may require unique skill requirements but this sentence states a purpose as a conclusion and "to give them greater standing in the formulation of City policy" presupposes a conclusion.

b) delete the last sentence in the above as it does not apply to all Boards and Commissions.

Section 3: Boards and Commissions Task Force Goals

This is a DRAFT document for discussion.

January 16, 2018 (Mayor and Council comment)

February 5, 2018 (Mayor and Council discussion)

- Study the Rockville City Charter and Code and identify the Board or Commission's defined scope of work and review each Board and Commission and make recommendations for continuing, repurposing, merging or eliminating the Board or Commission.

Councilmember Palakovich Carr's Comment(s): make the above bullet, two bullets, i.e., the second bullet in this section would be "Review each Board and Commission and make recommendations for continuing, repurposing, merging or eliminating the Board or Commission."

- Review the enabling legislation for each Board or Commission and propose revisions to ensure clarity and understanding.
- Review each body's membership requirements and determine whether eligibility requirements or expertise should be required to be appointed.

Mayor Newton's Comment(s): As for eligibility and expertise requirements – this has become a new topic and one that should be examined by the Task Force. It can be valuable to have training and background in some cases – but it can also limit those who bring a desire to serve, a differing opinion and an interest in the future of our City.

- Review all Boards, Commissions, Task Forces and Committees, and identify any gaps and/or overlaps among or between them.
- Review all Boards and Commissions and examine if they make the best possible use of members' time.

Councilmember Feinberg's Comment(s): delete this bullet as it is too vague.

- Review term lengths and term stagger for each Board and Commission, and suggest how to re-establish properly staggered terms.

Councilmember Feinberg's Comment(s): change this bullet to "Review term lengths and appointment/reappointment terms and processes" so that the conclusion is not presupposed.

- Review current City of Rockville Task Forces and Committees and determine if they should be merged with another Board or Commission or become part of a new Board or Commission. For example, should the Asian American Task Force (established in 2008) become a Board or Commission or become part of a current Board or Commission or a re-purposed Board or Commission with a broader umbrella.

Section 3A: Comments regarding the question in yellow below (i.e., whether or not to include the bullets listed in the Task Force Goals):

Question from Staff: Comments expressed by some community members interested in the Task Force indicate they would be interested in serving if the Task Force's focus is on the City Charter and Code review and recommendations pertaining to same. Would you like any of the following included in the goals, since they pertain more to procedures than Charter or Code Review purpose for this Task Force? These could also be addressed as part of the Boards and Commissions Procedures Review which is planned for the same period as the Charter and Code Review.

- Review the practice where a Board or Commission makes recommendations for its own membership and whether this practice should continue, or if it should continue in modified form. For example, for each applicant, a Board or Commission may make a statement of suitability of skills for its work plan.

Mayor Newton's Comment(s): I do not see the advantage of Boards/Commissions recommending membership. In fact – it could potentially have a chilling effect on our ability to receive a broad representation of the diversity Rockville represents. The reason for a prospective member to attend a meeting is to ensure that once they've viewed the workings of the Board/Commission – they are still interested in serving. If a

This is a DRAFT document for discussion.

January 16, 2018 (Mayor and Council comment)

February 5, 2018 (Mayor and Council discussion)

Board/Commission has an up or down vote – or a staff liaison for that matter – we could end up with a body that only represents the views of its current leadership.

Councilmember Feinberg's Comment(s): include this in the Task Force Goals.

Councilmember Palakovich Carr's Comment(s): include this in the Task Force Goals

Councilmember Pierzchala's Comment(s): include this in the Task Force Goals

- *Propose guidelines for record-keeping and web page content and maintenance for all Boards and Commissions and for specific Boards or Commissions.*

Councilmember Feinberg's Comment(s): do not include this in Task Force Goals

Councilmember Palakovich Carr's Comment(s): include this in Task Force Goals

Councilmember Pierzchala's Comment(s): include this in Task Force Goals

- *Review the reappointment process, particularly when a term is due to end.*

Councilmember Feinberg's Comment(s): already included in Task Force goals

Councilmember Palakovich Carr's Comment(s): include in Task Force Goals

Councilmember Pierzchala's Comment(s): include in Task Force Goals

- *Review the appointment process, including the nomination and confirmation process.*

Councilmember Feinberg's Comment(s): already included in Task Force Goals

Councilmember Palakovich Carr's Comment(s): include in Task Force Goals

Councilmember Pierzchala's Comment(s): replace this fourth bullet with the following statement from Councilmember Pierzchala's initial draft document on this topic: The Task Force should review the possibility that any member of the Mayor and Council could make nominations to City-governed Boards and Commissions. An alternative would be to allow any 2 councilmembers to make nominations to Boards and Commissions. Any such nomination would be subject to usual confirmation procedures.

Section 4: Other Considerations for the Task Force

- The Task Force may propose one or more new Boards or Commissions.
Councilmember Feinberg's Comment(s): delete, as it is already included in Task Force Goals.
- It is possible that some Boards and Commissions should be combined, end and/or new ones be created.
Councilmember Feinberg Comment(s): delete, as it is already included in Task Force Goals.
- Some Boards and Commissions have difficulty attracting members and retaining them. These should be identified and a plan suggested to remedy the issues.
Councilmember Feinberg's Comment(s): no, let each Board or Commission consider this.
- The Task Force is subject to Maryland's Open Meetings Act.

Section 5: Task Force Membership

- The Mayor and Council will appoint members.
- The Task Force will consist of up to 13 Members.
- The Task Force will represent a variety of individuals: former Mayors, former Councilmembers, the Community-At-Large, current or past members of Rockville Boards and Commissions or current or past members of citizen boards or commissions outside of Rockville (either for profit or not-for-profit). *(This information will be captured in the EOI form.)*
Councilmember Feinberg's Comment(s): delete "either for profit or not-for-profit" and

This is a DRAFT document for discussion.

January 16, 2018 (Mayor and Council comment)

February 5, 2018 (Mayor and Council discussion)

replace as follows: “with priority for not-for-profit board service”, and provide the comment “For profit boards are very different from non-profit and government boards”.

Councilmember Pierzchala’s Comment(s): add “for example” before the colon in the bullet above, i.e., “The Task Force will represent a variety of individuals, for example, former Mayors, former Councilmembers, etc.”

- When practical, members will be Rockville residents or people who work/do business in Rockville.
- If a vacancy on this Task Force occurs, it will be filled in the same manner as the initial appointment.
- All Task Force members will take the Open Meetings Act Training and provide their completion certificate to the City Clerk/Director of Council Operations (CC/DCO) Office.

Section 6: Functional Roles

- Task Force Chairperson: The Boards and Commissions Task Force (BCTF) will select their Chairperson. The Chairperson sets the meeting agendas, leads the meetings, summarizes key meeting outcomes, delegates assignments and ensures the Task Force adheres to meeting guidelines. Meeting agendas will be identified in advance of each meeting.
- Staff Liaison: The Staff Liaison will coordinate administration, keep minutes and records of key outcomes and activities and ensure accurate and timely distribution of Task Force correspondence, including the web posting of meeting agendas and minutes.

Section 7: Meetings

The Task Force will determine their meeting schedule, with meetings occurring at least monthly and more frequently if desired.

Section 8: Task Force Duration

The Task Force will begin their work once all members are appointed. They will complete their work within six to nine months and provide a report with recommendations to the Mayor and Council.

Mayor Newton's Comment(s): I am most supportive of the changes made to the EOI Form

City of Rockville Boards and Commissions Task Force Expression of Interest (EOI) Application

If you need this form in another format, please contact our ADA (Americans with Disabilities) Coordinator at 240-314-8108, email jkelly@rockvillemd.gov, TTY-240-314-8137 or Relay 711. The City welcomes requests for reasonable modifications for persons with disabilities who wish to serve on or attend Boards, Commissions or Task Force meetings.

Name: _____ Date: _____

Address: _____ City/State/ZIP: _____

Phone: (____) _____ Alternate Phone: (____) _____ Email: _____

Do you currently serve on a City of Rockville Board, Commission or Task Force? ____ No ____ Yes If yes, please list below and include any leadership positions held.

Have you served on other Boards, Commissions, Task Forces or Committees? (City of Rockville or non-City of Rockville)? ____ No ____ Yes If yes, please list and describe.

What other information should be considered for your appointment? For example, your personal experience and contributions to the work of a Board, Commission, Task Force or Committee:

Please describe why you are interested in serving on the Boards and Commissions Task Force:

Please attach an updated resume or additional information (optional).

Please indicate [] YES or [] NO whether or not the City may disclose this Expression of Interest Form and any accompanying resume or other information that you provide to the public. Your address and phone number(s) will not be included. Please indicate [] YES or [] NO whether or not the City may give elected officials who serve Rockville (other than Mayor and Council) your name and address. This information will not be used for any fundraising or campaign mailings. No phone numbers will be given.

By submitting this Expression of Interest Form and any accompanying resume or other information, you agree to the release of this information to the Mayor and Council, to the Board or Commission to which you are applying and to its staff liaison.

Signature

Please return completed and signed form to: CityClerk@rockvillemd.gov or mail:

City of Rockville Mayor and Council
City Clerk/Dir. of Council Operations
111 Maryland Avenue
Rockville, MD 20850



Mayor & Council Meeting Date: February 5, 2018
 Agenda Item Type: Discussion and Instructions
 Department: PW - Traffic & Transportation
 Responsible Staff: Oleg Kotov

Subject

Recommendations on the Circulator Request for Proposals (RFP) and Discussion and Instructions to Staff

Recommendation

Provide staff with instructions on how to proceed with the Request for Proposals (RFP)

Discussion

The Mayor and Council requested that staff explore the feasibility of initiating a local circulator bus system within the City of Rockville as one of the Priority Initiatives for the 2016-2019 term. In November of 2016, staff prepared a draft Request for Proposals (RFP) to solicit bids from transportation planning firms to provide consulting services for conducting a feasibility study. Staff shared the RFP with the Mayor and Council and edited the RFP to reflect their comments. The draft RFP was then discussed by the Financial Advisory Board and the Traffic and Transportation Commission.

The purpose of this agenda item is to discuss the Financial Advisory Board and Traffic and Transportation Commission recommendations, and to receive direction from the Mayor and Council on how to proceed with the RFP process. Staff initially intended to produce a single RFP, with a one-step approach for a sole solicitation to request a comprehensive study to identify the purpose of the Circulator, and then evaluate the costs and implementation options. However, the Financial Advisory Board recommended to use a two-step approach, by issuing two sequential RFPs (Attachment A). The first RFP would identify the purpose of the Circulator and the second RFP would evaluate the ways and costs of implementing the circulator.

The Traffic and Transportation Commission also provided comments on the draft RFP (Attachment B) and was not clear that a study on a Circulator is warranted. The Commission stated that if a study is pursued, they advise that the study clearly identify the specific needs not met by existing services, and then concentrate on meeting these needs.

Mayor and Council History

The Circulator study was last discussed by the Mayor & Council on August 1, 2016. During this session, the Mayor and Council directed staff to proceed with the draft RFP.

Boards and Commissions Review

The Financial Advisory Board and the Traffic and Transportation Commission reviewed the RFP and submitted the attached memorandums.

Next Steps

Staff will revise the RFP after receiving direction from the Mayor & Council.

Attachments

Attachment 18.a: Circulator memo - FAB - 1-16-18 (PDF)

Attachment 18.b: Circulator memo - T-T Commission 1-23-18 (PDF)



Rob DiSpirito, City Manager

1/30/2018

January 16, 2018

MEMO TO: The Mayor and Council, City of Rockville
 FROM: The Financial Advisory Board
 SUBJECT: Recommendation Regarding the Proposal for the Rockville Circulator Feasibility Study

The Financial Advisory Board (FAB) thanks the Mayor and Council for approving a Work Plan for FY 2017 and FY 2018 that included the FAB's involvement in the Rockville Circulator Feasibility Study. A Circulator could potentially bring benefits to the City in terms of relieving some traffic congestion and addressing unmet public transportation needs. However, if a Circulator is found to be technically and operationally feasible, it must be carefully implemented in a way that is financially sustainable for the City of Rockville.

FAB recommends the Rockville Circulator Feasibility Study be conducted in two phases through two distinct, but sequential, requests for proposal (RFP). Phase I would address the purpose of the circulator. After Phase I is complete then Phase II would address the cost and logistics of the circulator.

City staff in the Department of Public Works has prepared a nine page Request For Proposals (RFP) for a Rockville Circulator Feasibility Study. Both the Financial Advisory Board and the Traffic & Transportation Commission reviewed the draft RFP. The new City Manager, Robert DiSpirito, was present at a FAB meeting on August 29, 2017. At that meeting, oral comments on the RFP from a Board member resulted in Mr. DiSpirito requesting a special meeting, to include interested Board members and the appropriate City staff, to discuss the draft RFP.

The meeting requested above took place on September 28, 2017 at 9:00 A.M. in the Diamond Terrapin Room in City Hall. Those present were—

Robert DiSpirito, City Manager
 Craig L. Simoneau, Director of Public Works
 Jessica Blow, Director of Procurement
 Emad Elshafei, Chief of Traffic and Transportation
 Oleg Kotov, Senior Transportation Planner
 Jack Kelly, Chair, Financial Advisory Board
 Robert Wright, Member of Financial Advisory Board
 Leonard Briskman, Member of Financial Advisory Board

An open discussion took place. Two themes emerged from the discussion:

1. Whether a one or two-step procurement process ought to be followed in selecting the entity (entities) to perform the study, and

Attachment 18.a: Circulator memo - FAB - 1-16-18 (1956 : Recommendations on Circulator)

2. A clearer understanding from the Mayor and Council regarding the intent of the study would help in preparing the Request For Proposals (RFP).

The Rockville Circulator Feasibility Study could be implemented by one of two separate and distinct approaches:

1. The one-step approach is for a single RFP to request a comprehensive study to identify the purpose of the Circulator, and then evaluate the ways and costs of implementing the purpose, or
2. The two-step approach is to use two RFPs, issued sequentially. The first RFP would identify the purpose of the Circulator. Following the completion of that study, if the Mayor and Council felt that the identified purpose was worthwhile, a second RFP would evaluate the ways and costs of implementing the purpose.

The pros and cons of each approach were vetted. The Financial Advisory Board recommends the following approach, which has the consent of those present at the meeting:

The Rockville Circulator Feasibility Study should be conducted as a two-step process (two phases) through two distinct, but sequential, requests for proposal (RFPs):

1. The scope of the first RFP would be to identify the purpose fulfilled by a Rockville Circulator.
2. The scope of the second RFP would be to estimate the financial cost to meet the purpose identified in the study commissioned by the first RFP based on various options, including but not limited to, altering existing transit service, leasing vehicles, or owning and operating vehicles.

The rationale for the above recommendation is two fold:

1. There are all-inclusive firms with experience and expertise that could help identify the purpose of the Circulator, and also evaluate the ways and costs of its implementation. However, the pool of respondents to an RFP to identify only the purpose of a Circulator is potentially larger than the number of those all-inclusive firms, therefore resulting in greater competition for the study, and
2. In the one-step process there is an incentive (bias) for an all-inclusive firm to conclude that a compelling purpose does exist in order that they then gain the contract to conduct a financial analysis of the ways that purpose might be fulfilled. In the two-step process, if a compelling purpose is found to exist, the ways and costs of fulfilling it would be the scope of the second RFP.

Subsequently, Mr. DiSpirito attended the FAB meeting on Tuesday evening, November 14th. Mr. DiSpirito and the Board discussed two possible purposes for the Rockville Circulator Feasibility Study:

1. To identify existing unmet public transportation needs in the City
2. To fulfill a particular vision of the Mayor and Council

Mayor Newton and City Manager, Robert DiSpirito, attended the FAB meeting on Tuesday, January 16, 2018. Mayor Newton's vision is for a circulator in Rockville that potentially could serve multiple purposes, e.g., reduce vehicular traffic within the city, help seniors with health appointments and retail shopping, transport students at Montgomery College to and from metro and eateries in Rockville, etc. The first contract (RFP) would identify the goals and objectives for the circulator. Mayor and Council ought to hold one or more work sessions after the contract is awarded to assure the effort reflects their vision for the Rockville circulator.

The Board greatly appreciates the City Manager, staff in the Department of Public Works, and the Director of Procurement for making time to discuss the process to contract for the conduct a study of the feasibility of a Rockville Circulator.

MEMORANDUM

January 23, 2018

TO: The Mayor and Council, City of Rockville

FROM: The Traffic and Transportation Commission

SUBJECT: Recommendation Regarding the Rockville Circulator Feasibility Study

Traffic and Transportation staff has prepared a Request For Proposals (RFP) for a Rockville Circulator Feasibility Study. The Traffic & Transportation Commission reviewed the draft RFP and provides the following input:

The T&T Commission is not clear that a study on a Circulator is warranted or a good use of funds, given the similarity to the previous service that was stopped because it was not cost effective. However, if a study is pursued, we advise that the study clearly identify the specific needs not met by existing services, and then concentrate on meeting these needs. For example, a service that concentrates on the needs of senior citizens might be met by expansion of service provided by the Senior Bus. Alternatively, perhaps a partnership with RideOn to expand service hours and days for the 44 or 45 routes would be an effective way to meet the unmet needs. The commission is concerned that a Circulator that too closely mimics service provided by RideOn could lead RideOn to reduce service. The study should also consider new technology and business models, for example an autonomous electric shuttle such as EasyMile that could provide last mile connections around the city, or a partnership with a ride-hailing company like Lyft or Uber to provide subsidized on-demand service to particular populations whose needs are not currently met.



Mayor & Council Meeting Date: February 5, 2018

Agenda Item Type: Authorization

Department: CPDS - Zoning Review & Other

Responsible Staff: Bobby Ray

Subject

Authorization to Allow for Expanded Outdoor Dining in the Area Adjacent to Town Square Park

Recommendation

Authorize the City Manager to execute the required documents, in a form acceptable to the City Attorney, and address operational details necessary to carry out the proposed expanded outdoor dining area adjacent to Town Square Park.

Discussion

The Community Planning and Development Services Department received a request (Attachment A) on behalf of Street Retail, Inc., an affiliate of Federal Realty Investment Trust (FRIT), to allow for an expansion of the outdoor dining areas on the north and south sides of the Town Square Park. The proposal will enable the restaurants leasing the spaces to seat more customers outside, thereby strengthening their business trade. The proposal affects the tenants on Lot 19, located on the south side of the Town Square between Gibbs Street and Maryland Avenue, and Lot 22, located at the northwest corner of the Town Square, and containing the Arts and Innovation Center. Lot 21, which contains the Rockville Memorial Library, is owned by Montgomery County.

The Use Permit for Town Square identifies the general areas in the Town Square development where outdoor dining is permitted. Access Easements and Amenity Easements granted to the City define and designate the exact location of outdoor dining areas.¹ The areas approved for outdoor dining include most street frontages and pedestrian vias. Two other areas approved for outdoor dining are on the north and south sides of the Town Square Park, between Gibbs Street and Maryland Avenue. These outdoor dining areas to the north and south of Town Square Park are currently separated from the building face and abut Town Square Park. The areas immediately adjacent to the buildings are subject to access easements that do not allow outdoor dining, and are currently used for pedestrian movement.

¹ Because the easements designate the exact location of the outdoor dining areas, an amendment to the Use Permit is not required.

The applicant's proposal is to permit "seasonal outdoor dining" in areas where outdoor dining is not currently allowed, pursuant to the terms of the existing access easements. The applicant's proposal would allow the outdoor dining areas to be brought up to the face of the buildings, providing a direct connection to the restaurants. The proposal is limited to the two lots (Lots 19 and 22 of Block B of the City Center subdivision) adjacent to Town Square Park. The seasonal outdoor dining would commence no earlier than April 8th and extend no later than October 30th, coinciding with the installation and removal of the ice skating rink. During the times when the area adjacent to the building would be used for outdoor dining, public access to the Town Square Park would be maintained.

Public access to the restaurants would be through the Town Square Park. During the times outside of the "seasonal" outdoor dining times, the areas adjacent to the building would be reopened for public access and the outdoor dining area would be pulled away from the building face, consistent with current operations. This would allow the ice skating rink to be installed during the winter season, while also allowing public access to the restaurants and connection between Gibbs Street and Maryland Avenue. The proposal would not affect the outdoor dining areas along any of the public streets or pedestrian vias.

The applicant has indicated that the timing of the request is of significant concern in order for them to meet the outdoor dining season. The applicant will have to commit resources for the fabrication of the necessary railings and materials to implement the expanded dining area. The total time could take more than 8 weeks for manufacture, delivery, and installation. The applicant requests assurances from the City prior to their bearing significant expense and otherwise initiating the necessary steps to meet the outdoor dining season.

Approval of the requested action will provide the necessary assurance to the applicant that the City is supportive of the concept of expanding the outdoor dining area as proposed. Additionally, the action will allow City staff time to execute the steps needed to ensure public safety and welfare are protected. The construction of the modified seating corrals (ie., fencing), will require a building permit to be submitted to and approved by the City. Special attention must be given, by law, to emergency egress from the buildings and corrals, structural soundness of the fences and their installation, as well as American with Disabilities Act (ADA) considerations. The order for fence fabrication will not be placed by the applicant until they have successfully obtained the necessary permits from the City, which will address all of the technical issues.

The applicant has provided layout plans that show how the Town Square area would be configured during the two dining "seasons", as well as letters of support from some of the affected restaurants (Attachments B, C, and D).

Mayor and Council History

The Mayor and Council are the "Grantees" in the current recorded Grant of Access Easements Agreement(s) dated April 8, 2005 (Lot 19) and May 23, 2007 (Lot 22) and Grant of Amenity

Easement Agreement(s) dated April 8, 2005 (Lot 19) and May 23, 2007 (Lot 22). This is the first requested action that would require amendment to the easement agreements.

Public Notification and Engagement

The request action is not subject to any required public notification or engagement process.

Boards and Commissions Review

The requested action is not subject to Board and Commission review and recommendation.

Next Steps

Staff is recommending that the Mayor and Council Authorize the City Manager to execute the required documents, in a form acceptable to the City Attorney, and address operational details necessary to carry out the proposed expanded outdoor dining area adjacent to Town Square Park.

Attachments

- | | | |
|------------------|---|-------|
| Attachment 19.a: | Request for Expansion of Outdoor Dining Areas | (PDF) |
| Attachment 19.b: | Outdoor Dining - Winter Layout | (PDF) |
| Attachment 19.c: | Outdoor Dining - Summer Layout | (PDF) |
| Attachment 19.d: | Letters of Support from RTS Restaurants | (PDF) |

Patricia A. Harris, Esq.
301-841-3832
paharris@lercheearly.com

January 10, 2018

By Electronic Mail

Mr. Jim Wasilak
Chief of Planning
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Rockville Town Center – Request for Expansion of Outdoor Dining Areas

Dear Mr. Wasilak:

On behalf of Street Retail, Inc. an affiliate of Federal Realty Investment Trust, enclosed please find an Amendment to Grant of Access Easements Agreement for Lot 19 and Lot 22, located immediately to the south and north respectively of the Rockville Town Square.

As we have discussed, it is Street Retail's desire to expand the outdoor eating areas during certain times of the year, as explained in more detail in the attached statement. It is our understanding that the Mayor and Council must approve the proposed Amendments. It is Street Retail's hope that the amendments may be considered by the Mayor and Council in late January or early February, in order that Street Retail will have sufficient time to fabricate the needed railings delineating the new dining areas, prior to the Spring 2018 dining season.

We look forward to hearing from you once the Amendments have been scheduled for consideration and appreciate your assistance.

Very truly yours,



Patricia A. Harris

Attachments

cc: Mr. Bobby Ray
Ms. Christine McGuirl
Mr. Toby Wilson



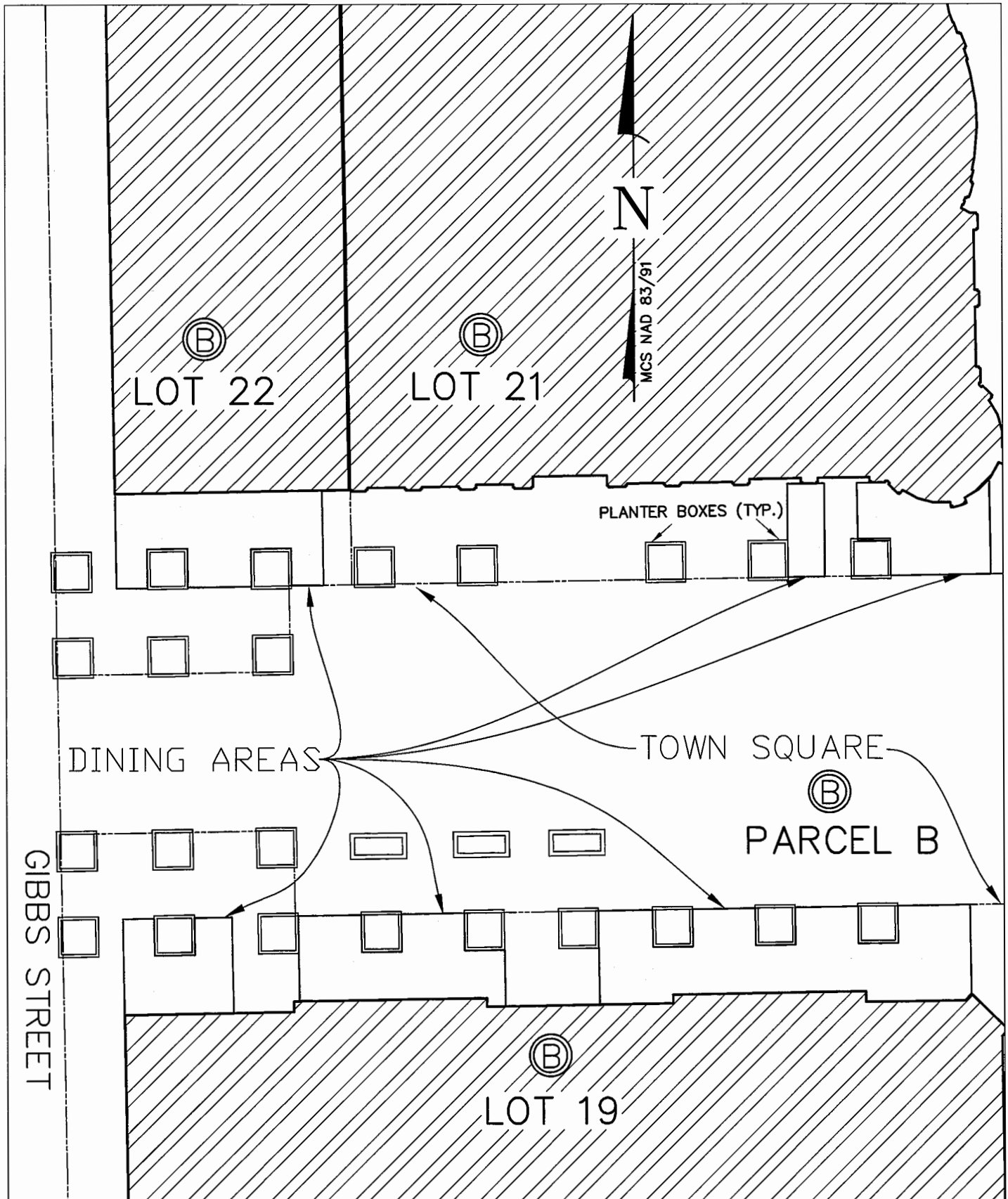
**Rockville Town Center
Expansion of Outdoor Dining Areas
Proposed Amendment to Access Easements**

In an effort to increase the overall viability and vitality of Rockville Town Center, Street Retail, Inc., an entity of Federal Realty Investment Trust, desires to increase the amount of outdoor dining area provided to those restaurants fronting the Town Square located on Lot 19, to the south of the Town Square, and Lots 21 and 22, located to the north of the Town Square. The outdoor dining season, extending from mid-Spring through the end of October, has been the most active period of time for the Town Center restaurants and a busy outdoor dining season is a critical component to the overall success of these restaurants. Moreover, not only is an active outdoor dining season important to the restaurants themselves, it also brings more people into the Town Center, which benefits the entire Town Center, including the stores, the movie theater and the City itself, with the Town Square serving as a successful focal point in downtown Rockville.

The existing Access Easements governing Lots 19 and 22 provide for a pedestrian walkway extending along the frontage of the buildings (Lot 21, owned by Montgomery County, is not subject to an access easement). This walkway separates the existing outdoor dining areas from the face of the buildings. Street Retail desires to extend the dining area to the face of the restaurants in certain areas along the north and south sides of the Town Square, as indicated on Attachment A, for that portion of the year commencing no earlier than April 8 and extending to no later than October 30. As indicated by the Attachment, the extension of the outdoor dining area to the face of the building will not impede pedestrian access to or through the Town Square.

In order to extend the outdoor dining areas, execution of amendments to the existing Access Easements governing Lot 19 and Lot 22 is required, which amendments must be approved by the Mayor and Council.

Attachment A



Civil Engineers
Land Planners
Landscape Architects
Land Surveyors
www.mhgpa.com

MHG

EXHIBIT

OUTDOOR DINING AREAS

PARTS OF LOTS 19, 21 & 22, BLOCK B, CITY CENTER
MONTGOMERY COUNTY, MARYLAND

PLAT NO. 22892
SCALE 1" = 30'
DATE 01-08-2018
JOB NO. 1997.397.77.01

19.b

KEY

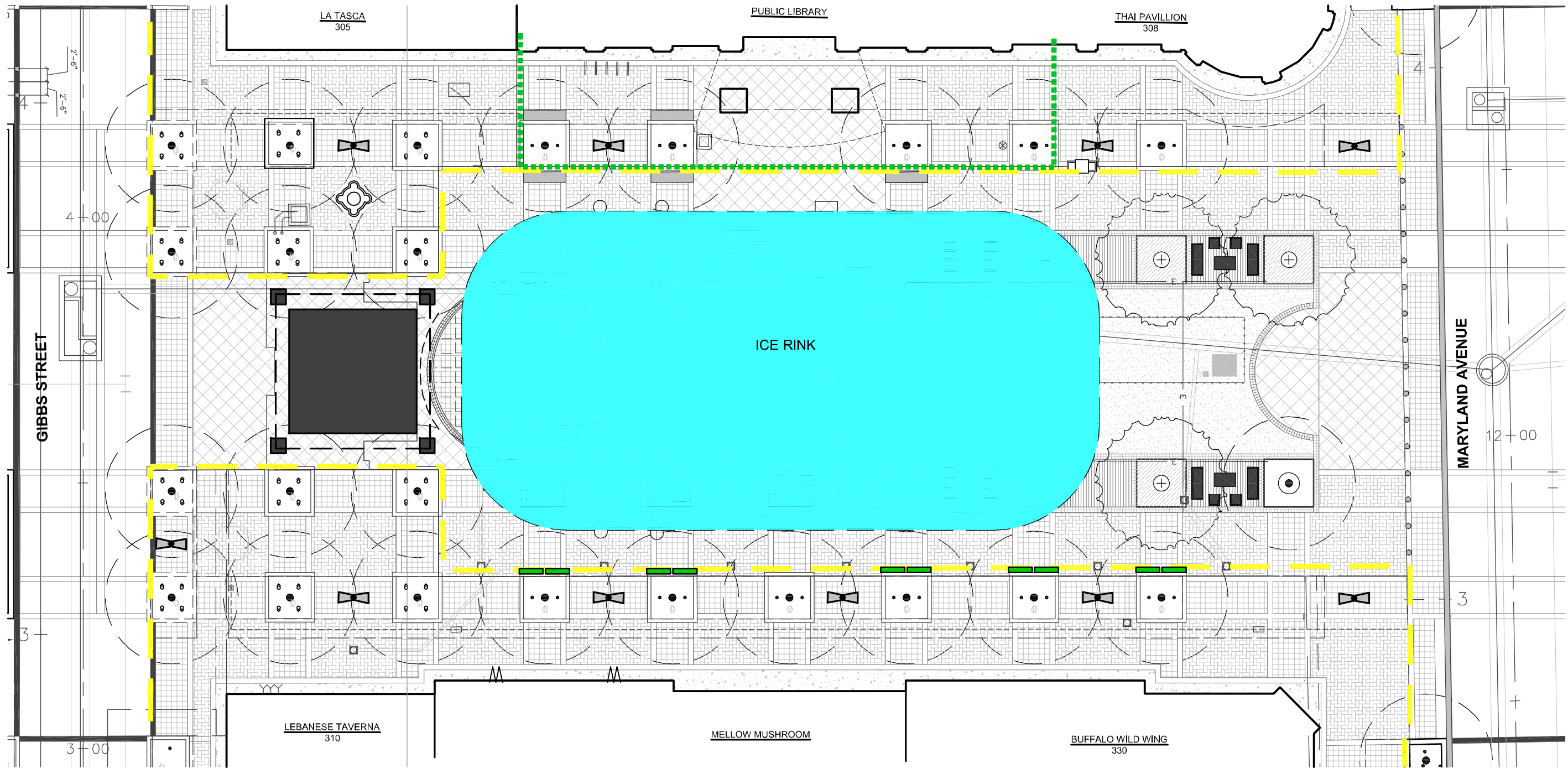
FENCE/ENCLOSURE

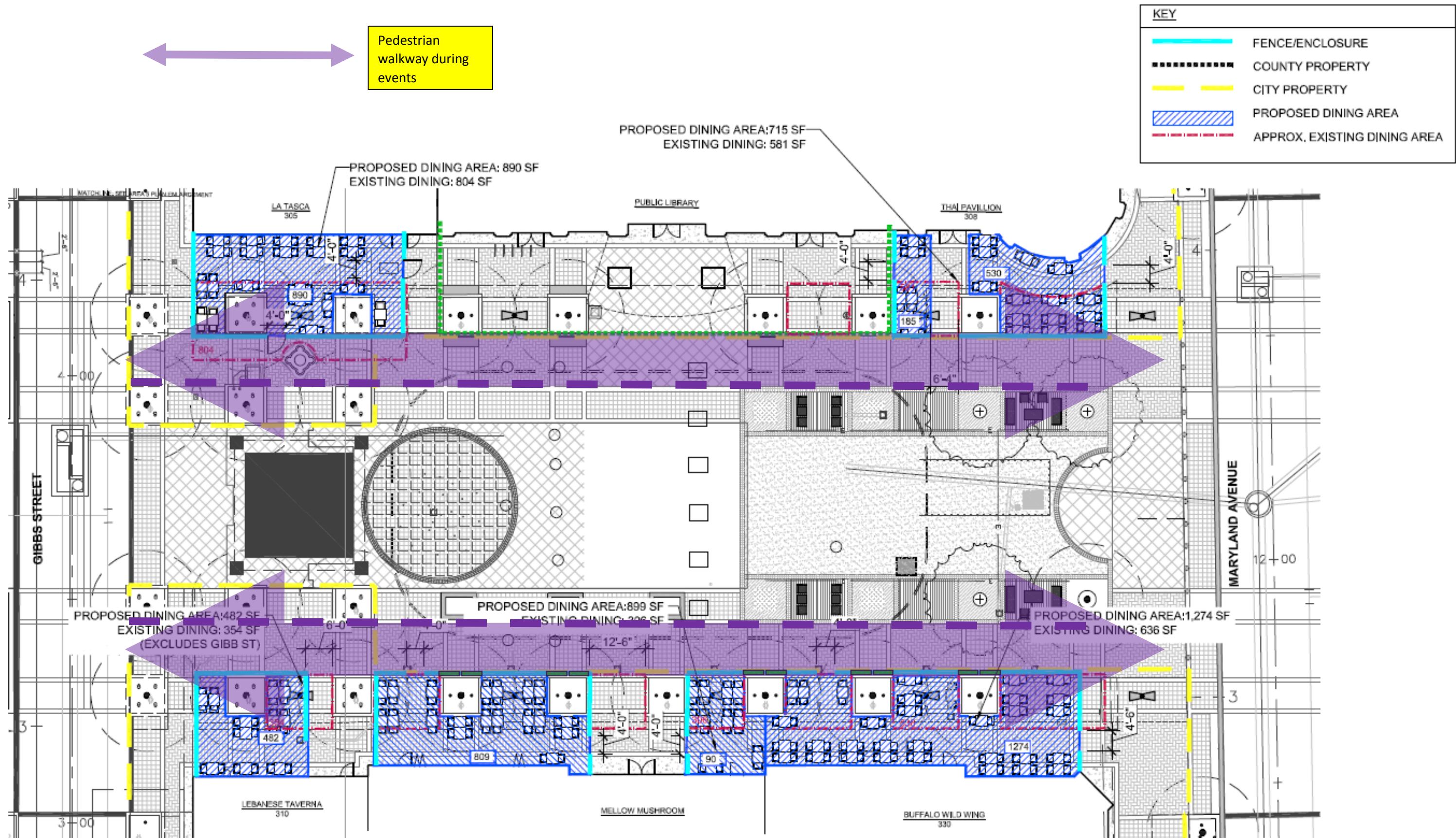
COUNTY PROPERTY

CITY PROPERTY

PROPOSED DINING AREA

APPROX. EXISTING DINING AREA





ROCKVILLE TOWN SQUARE PLAZA DINING, WARM SEASON

ROCKVILLE, MARYLAND

Prepared for FEDERAL REALTY INVESTMENT TRUST by STUDIO39

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SCALE: 1"=20'-0"
26 January 2018
NORTH

STUDIO39
Landscape Architecture, P.C.
1415 Connecticut Ave., N.W.
Suite 1000
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Phone: 202.775.6800
Email: info@studio39.com

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spanish tapas bar & kitchen

January 26, 2018

Madalena Moreau
General Manager
Rockville Town Square
Rockville, MD 20850

Dear Madalena:

I am pleased to see how far you have advanced this initiative to relocate our outdoor dining area, placing it contiguous to our premises. We much appreciate our efforts and endorse this move as it will allow us to control our outdoor dining and alcohol service, improve our operating efficiency, create a much better atmosphere and ultimately provide a better guest experience.

Please keep me informed of any developments and plans as we will need to coordinate with our managers and suppliers as we respond to this positive development.

Best Regards,

Francis McDonald
Vice President La Tasca Inc.
860.961.7601

4215B Howard Avenue
Kensington, MD 20895
www.latascausa.com

Attachment 19.d: Letters of Support from RTS Restaurants (1949 : Expanded Outdoor Dining Adjacent to Town Square Park)

Christine McGuirl

From: Madalena Moreau
Sent: Thursday, February 01, 2018 11:47 AM
To: Christine McGuirl
Subject: Fwd: TC outdoor Plans

Madalena J Moreau
301-875-8845

Begin forwarded message:

From: Maroun Wazir <marounjw@gmail.com>
Date: February 1, 2018 at 11:25:17 AM EST
To: Madalena Moreau <MMoreau@federalrealty.com>
Cc: Grace A Shea <lebanesetaverna@mac.com>, Gladys Abi-Najm <gabinajm@gmail.com>
Subject: TC outdoor Plans

Hello Madalena,

I would like to thank you for all your efforts in helping us manage the outdoor seating in TC this past season. Also I would like to thank you for the presentation on Jan 16th in our restaurant regarding the new plans for the outdoor project, I loved it.

Our officers support the project and looking forward to working with you to accent the new look of the outside seating. I have submitted the plans to Grace and Gladys and they will make the final decision.

Thank you again for your outstanding assistance.

Best regards,

Maroun wazir

General Manager

LT cafes.

TC 301-309-8681

Congressional: 301-468-9086

Cell: 202-716-0070

Christine McGuirl

From: Madalena Moreau
Sent: Thursday, February 01, 2018 4:39 AM
To: Christine McGuirl
Subject: Fwd: Out Door seating.

From Mellow Mushroom

Madalena J Moreau
 301-875-8845

Begin forwarded message:

From: Danny Trehan <mellowdannyrock@gmail.com>
Date: January 31, 2018 at 9:21:40 PM EST
To: Madalena Moreau <MMoreau@federalrealty.com>, Danny Trehan <mellowdannyrock@gmail.com>
Subject: Out Door seating.

Federal Realty DBA Street Retail,
 Attn: Madalena Morneau

Sita Restaurants, LLC thanks Federal Realty DBA Street Retail for the due diligence performed in regards to relocating the outdoor seating closer to the front of the restaurant.

We have suffered heavy losses due to lack of sales and this might be an avenue to boost our sales. We request Montgomery County / City of Rockville, MD to support merchants in the square for outdoor seating expansion and approve the outdoor seating relocation closer to the front of the restaurant.

Please feel free to call me at anytime. Thanks.

Sincerely,

Danny
 Mellow Mushroom, Rockville, MD
 703 587 7025

Attachment 19.d: Letters of Support from RTS Restaurants (1949 : Expanded Outdoor Dining Adjacent to Town Square Park)



Mayor & Council Meeting Date: February 5, 2018
Agenda Item Type: Review and Comment
Department: City Manager's Office
Responsible Staff: Jenny Kimball

Subject

Mayor and Council Action Report

Recommendation

Review and Comment on the Action Report

Attachments

Attachment 20.A.a: M&C Action Report (DOC)

A handwritten signature in black ink, reading "Rob DiSpirito", is written over a horizontal line.

Rob DiSpirito, City Manager

1/29/2018

Blue - new items to the list.

Red - latest changes.

Mayor and Council Action Report

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Estimated Completion or Agenda Item date
2014-23	9/8/11	R&P	Future agenda	King Farm Farmstead – Next Steps Status: The Farmstead will be discussed in the context of the FY19 budget process. The Mayor and Council will take up decision making about future uses this spring. The Dairy Barn renovations will be substantially completed by early February 2018, and staff will schedule a tour of the Dairy Barn renovations for the Task Force at that time.	TBD
2015-14	7/13/15	CMO	Future agenda	Purchasing Study Response Status: The status report on the purchasing study will be provided every six months. Staff provided an 18-month update on the Procurement Action Plan to the Mayor and Council by email on August 28, 2017. Discussion and Instructions on the proposed Procurement Code changes was held on November 6, 2017. Adoption is expected on February 5, 2018.	February 5, 2018
2016-12	9/26/16	HR	Future agenda	Vacancy Report Provide a Vacancy Report to the Mayor and Council at the end of each Quarter. Status: The first FY18 vacancy report was shared with the Mayor and Council on October 16, 2017. The second quarter report will be shared on February 5, 2018.	February 5, 2018
2016-16	10/10/16	CPDS	Future agenda	Global Issues on BRT Schedule another discussion on BRT with the City of Gaithersburg and Montgomery County, to include broader issues such as governance and finance. Consider holding the meeting in Gaithersburg. Status: BRT and CCT will be discussed during the March 5, 2018 Mayor and Council worksession.	Ongoing
2016-17	10/24/16	R&P	Future agendas	Caregiver Task Force Provide regular updates on the status of the Caregiver Task Force establishment and work. Status: Member recruitment is underway. The Financial Advisory Board and Human Services Advisory Commission selected members to recommend to the Mayor & Council. Applications were received for all but one slot on the Task Force. Upon securing the final applicant, the Mayor and Council will appoint the Task Force.	February 5, 2018
2016-18	10/24/16	CPDS	Future agenda	Site Plan/Development Review Improvements Provide regular updates on the status of the work. Status: A Listening Session on the City's Development Review Process was held on November 15, 2017, to seek input from stakeholders. Staff is preparing next steps that will be shared with the community.	Ongoing
2016-19	11/14/16	DPW	Future Agenda	Pedestrian Safety at Maryland Avenue and S. Washington Street Staff will study the intersection and implement recommendations for improvements. Status: A presentation to the Mayor and Council of a safety study conducted by a consultant is scheduled for February 26, 2018	February 26, 2018

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Estimated Completion or Agenda Item date
2016-22	11/21/16	R&P	Memo	Youth Sports Follow Up Monitor and provide the Mayor and Council, as it becomes available, new research and information on techniques and training to ensure safety in youth sports. Status: Staff recommends that Councilmember Pierzchala consult with RFL leadership about holding discussions with parents of RFL players. On January 23, 2018 Director of Recreation and Parks shared new research regarding Chronic Traumatic Encephalopathy (CTE) and the risks of concussions with the Mayor and Council.	Ongoing
2017-3	2/13/17	CPDS	Future Agenda	Allowing Breweries / Distilleries in the MXB and other zones Discuss adding new uses such as distilleries and breweries to the MXB and other zones in the City. Status: At the meeting on July 10, 2017, the Mayor and Council authorized the filing of a text amendment to clarify and identify where alcoholic beverage production and distribution may be allowed in the City. Public hearings were held on September 11 and October 16. Discussion and Instructions took place on November 13, and the Ordinance was introduced on January 22, 2018. Adoption is scheduled for February 5, 2018.	February 5, 2018
2017-5	2/13/17	DPW / Finance / CPDS	Memo / Future Agenda	Utility Fees Associated with Renovations to Single-Family Homes Discuss fees associated with increasing the size of water lines due to a home renovation. Status: An explanation of the City's capital contribution charges for water and sewer was shared with the Mayor and Council on June 26, 2017. Capital Contribution Charges were discussed with the Mayor and Council on December 11, 2017 in the context of the water and sewer rate study. A Public Hearing on water and sewer rates was held on January 22, 2018. The FY19 Water and Sewer rates will be established during the FY19 budget process.	Complete
2017-6	2/27/17	CMO	Email	Minority-, Female- & Disabled-Owned Businesses Provide updates on the Procurement Division's activities to engage and support minority-, female- and disabled-owned businesses. Status: Staff shared a Minority Female Disabled (MFD) Outreach Program FY17 Year-End Report with the Mayor and Council by email on August 28, 2017. Procurement celebrated the two-year anniversary of the MFD Outreach Program on November 20, 2017.	Ongoing
2017-9	4/3/17	Procurement	Agenda item	Procurement of Internal Auditor Services Discuss the larger goal and specific objectives of procuring internal audit services for use on an as needed basis. For the discussion, research comparable municipalities and summarize to what extent internal auditor service contracts are used; where in the organization the contract would be housed, and what current contract may be available that the City could piggy back.	July 2018
2017-11	6/12/17	R&P	Agenda item	Deer Population in Rockville Continue to monitor the deer population. Consider action steps and gather community input. Status: Deer Population and Management is scheduled for a Mayor and Council Worksession on April 23, 2018.	April 23, 2018

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Estimated Completion or Agenda Item date
2017-12	7/10/17	CMO	Email	H.R. 3003 No Sanctuary for Criminals Act Description: Closely monitor the progress of H.R. 3003, the “No Sanctuary for Criminals Act” and provide updates to the Mayor and Council. Status: The Senate received the legislation on July 10, 2017. The bill has not yet been introduced in the Senate. Staff will continue to closely monitor it and report on any developments.	Ongoing
2017-16	10/16/17	R & P	Agenda Item	Chestnut Lodge Park Begin the process of naming the new park on the Chestnut Lodge Property Status: Proposals have been submitted to the City Clerk/Director of Council Operations. This item will be discussed by the Recreation and Park Advisory Board at their February meeting.	Spring 2018
2017-17	12/11/17	CPDS/CAO	Agenda Item	Changes to the Sign Ordinance Provide a project scope and timetable for review and amendments to the Sign Ordinance. Include outreach to REDI and the Chamber of Commerce. Status: CPDS and CAO staff have meet to discuss and the process is likely to require outside legal/zoning sign expertise. Development of a project scope is ongoing, and staff will share a timetable with the Mayor and Council this week.	TBD
2018-1	1/22/18	Finance	Action Report	Utility Billing System Provide updates on the replacement of the Velocity Payment System, powered by Govolution. Status: Finance has been looking into a new vendor for Utility Billing. This project will upgrade the City’s existing utility billing system to allow for enhanced customer account access, and will include a smart phone payment app. FY2019 work includes vendor selection, purchase and implementation of a new system.	TBD

CLOSED / COMPLETED

2016-23	12/05/16	DPW	Agenda item	Styrofoam Packaging – Adoption of Montgomery County Bill 41-14 Schedule an agenda item to discuss the adoption of MC Bill 41-14, Solid Waste – Food Service Products – Packaging Materials – Requirements in the City of Rockville. Status: The Environment Commission discussed this topic on October 5 and voted to share their support. The Mayor and Council introduced an ordinance on November 6. The Ordinance was discussed and adopted by the Mayor and Council at the meeting on December 11, 2017.	Complete
2017-13	9/18/17	PW	Agenda Item	Maryland Clean Energy Jobs Initiative	Complete

				Follow up on request from the Chesapeake Climate Action Network. Status: The Environment Commission discussed this topic on October 5 and November 2. At their meeting on December 11, the Mayor and Council approved a Resolution supporting this issue, including phasing out trash and incineration incentives.	
2017-14	9/18/17	PW	Email	Clean Water Act Prepare comments on proposed rule on Waters of the US. Status. The letter was submitted on December 12, 2017.	Complete



Mayor & Council Meeting Date: February 5, 2018
Agenda Item Type: Review and Comment
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Sara Taylor-Ferrell

Subject

Future Agendas

Recommendation

Attachments

Attachment 21.A.a: Mock Agenda 02.12.18 (DOC)

Attachment 21.A.b: Future Agendas 02.05.2018 (PDF)


Kathleen Conway, City Clerk/Director of Council Operations 1/31/2018



MAYOR AND COUNCIL

MEETING NO. 04-18
Monday, February 12, 2018 – 7:00 PM

MOCK AGENDA – WORK SESSION

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

- 7:00 PM **1. Convene**
- 2. Pledge of Allegiance**
- 7:05 PM **3. Work Session - Topic 1**
 - A. RHE Fireside Park Apartments Refinance and Modernization Presentation and Work Session**
- 8:05 PM **4. Work Session - Topic 2**
 - A. Discussion on Parkland Acquisition Initiative**
- 9:05 PM **5. Adjournment**

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: <http://www.rockvillemd.gov/mcguidelines>.

**Future Agendas - Tentative
February 5, 2018**

21.A.b

Meeting : 02/26/18 07:00 PM (14 items)

	Category	Estimated Agenda Time (in minutes)	Agenda Item
	Discussion and Instructions	30	Board of Supervisors of Elections Recommendation for 2019 City of Rockville Election
	Discussion and Instructions	10	Approval of Letter on Monetary Incentive to Alexandria Real Estate Equities, Inc. for LaunchLabs II
	Review and Comment	5	Mayor and Council Action Report
	Discussion	10	Rockville's 2018 County Legislative and Policy Priorities
	Proclamation	5	Woman's History Month
	Public Hearing	60	Fireside Refinance and Modernization Public Hearing
	Public Hearing	20	Public Hearing on Zoning Text Amendment TXT2018-00248 - Revisions to Limitation on Retail Tenant Space Limitation
	Presentation	20	Briefing on PJT2018-00010 - 900 Rockville Pike
	Presentation	30	Presentation of the Fiscal Year 2019 Proposed Operating Budget and Capital Improvements Program
	Introduction	5	Introduction of an Ordinance to Appropriate Funds and Levy Taxes for Fiscal Year 2019
	Introduction	5	Introduction of an Ordinance to Amend Chapter 24 Entitled "Water, Sewers and Sewage Disposal, " Article III, "Rates and Charges" So as to Establish the Water and Sewer Usage Charges and Water and Sewer Ready to Serve Charges for Fiscal Years 2019 through 2021
	Introduction	5	Introduction of a Resolution to Establish the Service Charge Rate for Municipal Refuse Collection and to Establish a Charge for Unreturned Refuse and Recycling Carts Pursuant to Section 20-6 of the Rockville City Code
	Introduction	5	Introduction of a Resolution to Establish the Equivalent Residential Unit Rate to be Used in Calculating the Stormwater Management Utility Fee Pursuant to Chapter 19 Entitled "Sediment Control and Stormwater Management" of the Rockville City Code; and to Establish a Fee for Application for a Credit Against the Stormwater Management Utility Fee for Private Stormwater Management Facilities.
	Presentation	10	Second Quarter FY 2018 Financial Report

Meeting : 03/05/18 07:00 PM (2 items)

	Category	Estimated Agenda Time Needed (in minutes)	Agenda Item
	Work Session	45	2018 Federal Funding and Policy Priorities Planning
	Work Session	60	Fiscal Year 2019 Mayor and Council Budget Worksession

Attachment 21.A.b: Future Agendas 02.05.2018 (1953 : Future Agendas)

**Future Agendas - Tentative
February 5, 2018**

21.A.b

Meeting : 03/19/18 07:00 PM (10 items)

	Category	Estimated Agenda Time Needed (in minutes)	Agenda Item
	Review and Comment	5	Mayor and Council Action Report
	Discussion and Instructions	60	Fireside Refinance & Rehabilitation
	Introduction	20	Modifications to the MPDU Ordinance
	Public Hearing		King Farm F7 and F8 - Request to Amend Resolution of Approval
	Discussion and Instructions	20	D&I: Zoning Text Amendment to Increase Floor Area Limitation for Single Retail Tenant
	Proclamation	5	Proclamation Declaring March 24, 2018, 8:30-9:30 P.M. as Earth Hour in Rockville; the Month of April as Earth Month; and April 22, 2018 as Earth Day
	Recognition	5	Presentation of Environmental Excellence Award to NextGen LED, LLC
	Presentation	30	Presentation of the Safety Study Performed on the Intersection of Maryland Avenue and S Washington Street
	Presentation	10	Senior Citizens Commission Update
	Discussion and Instructions	30	Recreation and Park Board Recommendation on 500 W. Montgomery Avenue Park Name

Meeting : 04/09/18 07:00 PM (7 items)

	Category	Estimated Agenda Time Needed (in minutes)	Agenda Item
	Discussion, Instructions and Possible Adoption	30	Board of Supervisors of Elections Recommendation for 2019 City of Rockville Election
	Review and Comment	5	Mayor and Council Action Report
	Proclamation	5	Proclamation for Asian Pacific American Heritage Month
	Authorization		Fireside Refinance & Rehab: Authorization to Submit a Financing Package
	Adoption		Possible Adoption of Resolution Authorizing the Rockville Housing Enterprises to Refinancing the Existing Loans on Fireside Park Apartments and Providing \$500,000 in City Grant Funding
	Adoption		Modifications to MPDU Ordinance
	Introduction and Possible Adoption	10	Amendment of Retail Floor Area Limitation for Single Retail Tenant for Champion Projects

Meeting : 04/23/18 07:00 PM (1 item)

	Category	Estimated Agenda Time Needed (in minutes)	Agenda Item
	Presentation	60	White-Tailed Deer Work Session

Attachment 21.A.b: Future Agendas 02.05.2018 (1953 : Future Agendas)

**Future Agendas - Tentative
February 5, 2018**

21.A.b

Meeting : 04/30/18 07:00 PM (1 item)

	Category	Estimated Agenda Time Needed (in minutes)	Agenda Item
	Review and Comment	5	Mayor and Council Action Report

Meeting : 05/07/18 07:00 PM (1 item)

	Category	Estimated Agenda Time Needed (in minutes)	Agenda Item
	Proclamation	5	World Refugee Day

Attachment 21.A.b: Future Agendas 02.05.2018 (1953 : Future Agendas)